

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION, 1994
VOL. 1



JIM FOLSOM, Governor
RYAN deGRAFFENRIED, President Pro-Tem and
Presiding Officer
JAMES S. CLARK, Speaker of the House
JAMES M. CAMPBELL, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
GREG PAPPAS, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1994 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Jim Bennett
Secretary of State

PREFACE

Having served more than 15 years in the Alabama Legislature, I know the importance of keeping Alabamians in contact with their legislative process and informed of the bills that become laws or *Acts of the Alabama Legislature*.

As Secretary of State, I'm committed not only to the preservation of the acts as historical documents but also to making these new laws available to the public as quickly as they can be properly processed.

The acts bound in this volume are a picture of the issues citizens and their representatives considered important enough to become law during the 1994 Regular Session.

I hope you find the contents informative.

Jim Bennett
Secretary of State

GOVERNOR FOLSOM'S
"STATE OF THE STATE" SPEECH
JANUARY 11, 1994, 6:30 P.M.

Ladies and Gentlemen, . . .

Tonight marks the first formal opportunity I have to talk with you about the state of the state. There is much I could say. I could tell you about the successes that Commissioner Andy Hornsby is having with our child welfare programs at the Department of Human Resources. I could talk about Mack Roberts' plans for our county road program or Commissioner Charley Grimsley's innovative boating safety program.

Certainly, we could talk about our bold plan to work with Attorney General Jimmy Evans to combat crime and what our specific plans for new economic development initiatives are. Instead, I'm going to concentrate on only one subject—a subject I believe is more important to our future than any other, a subject that is critical to every other problem or challenge we face—how we can provide a first class education for our children—because make no mistake, education is the key to fighting crime, education is the key to providing better paying jobs for all our people.

We stand tonight on the threshold of great promise and great progress for Alabama. Never before has there been a time of greater possibility in Alabama, nor have we ever been blessed with such an opportunity to be the masters of our fate.

Simply said, during the next weeks of this legislative session, it is in our power to shape the destiny of our state and our people.

Tonight, we are gathered in this historic house chamber, where the direction of our state has been forged on so many nights just such as this. We are gathered to begin the task of dramatically changing the future of Alabama for the better.

Those who came before us as elected representatives of the people faced difficult challenges in this very chamber. We, along with our children, learned about those governors, senators and representatives in our history lessons. I would like to pay tribute to a man who has been a leader in the fight for education reform with his tireless efforts over the past several years, the Speaker of the House Jimmy Clark. And to Ryan deGraffenried, who has put in countless hours with the Education Task Force over the last several months as have Representative Starkey and Senator Figures.

But understand clearly that what we begin here tonight will also be recorded as a new chapter of Alabama history. This will be

the moment that Alabama either decides to move boldly ahead as we reach for excellence, or it will be the time that we settle once again for mediocrity.

In this room so awash with history, we are looking into the faces of our future. These young boys and girls, sitting here behind me of us, are why we are here. They are our future—our reason for being. They are what will be recorded in history about us. For the decisions we make in the days ahead will greatly influence what their lives will become.

Let me share with you just a few things about some of these young people...Anthony Chambers, Todd Mason and Wendy Walker, students from Cedar Bluff High in Cherokee County, along with their teacher, Rick Clifton, created their own computer assembly company, Tiger Computers, through which students build and market top-grade computers. They've already designed a software and hardware system which currently links four public schools and four public libraries.

Jenia Williams, Kelly Webb, Jessica Autry and Shantrika Maury, students at Coffeeville Elementary in Clarke County, and their teachers Ms. Ethel Leslie and Ms. Karen Donald, have developed a program that involves more than 70 parents and citizens in community plays.

Shawn Franks and Faith Brunner, of Oakman High in Walker County, developed and conducted a door-to-door survey of residents of their school community, then developed a student-staffed community newspaper and are assessing the health status of fellow students at Oakman.

And teachers Sharon Dye, Opehlia Merrill, Craig Nichols and Jerome Parker, teachers at Red Level High School, have developed a full-scale printing business staffed by special education students. Red Level Printing serves the school and community, as well as the Covington County Board of Education.

Brandi Young is a student at Lee High School. She has Downs Syndrome and participates in the Handicapped Individuals Reaching for Employment programs. Years ago, individuals with Downs Syndrome were considered uneducable and very little was expected of them. It's obvious that is not true of Brandi. She won the Sable Award for athlete of the year. She has learned vocational skills which enabled her to hold her first job in the community. She has been working in the Alabama PTA office since March of last year.

These successes show enormous creativity on the parts of these students and their teachers and I'm sure considerable

support and encouragement from their parents. They are all to be congratulated. Continued success stories from all our students will come only if we give them the atmosphere for learning and the desire for creativity.

Despite these wonderful success stories we must recognize that most of our Alabama students in our public schools have much to overcome in their struggle to compete with girls and boys from other states. Our Alabama students begin at a competitive disadvantage because more than 80% of our school systems perform below the national average. More than 30% of all Alabama students drop out of school before they earn a high school degree. And when you think about crime, remember that 90% of the inmates in our state prisons were high school dropouts. We rank 50th-dead last-in the United States in the per pupil funding we provide for primary and secondary education. That is a record which must be changed—and we will change.

Members of the legislature, I am here tonight to ask that you pass the Alabama First Plan for Academic Excellence and that you and I provide the money needed to achieve real fundamental reform of our schools. And I am here to ask that you pass these measures now and not at some undefined date in the future.

We all know that these will not be easy choices because there is a price tag that comes with fundamental education reform. ...

But fellow Alabamians, we have no choice...not because a judge has told us that we must reform our schools..., but because in our hearts we know that it is right.

Look into the faces of these children sitting here and tell them they don't deserve better. Tell them that it's all right for some Alabama children to learn from library books that say one day we will land a man on the moon. Tell them that a picture of a microscope hanging on the blackboard is as good as looking into the real thing.

Look at them and tell them that violence has a rightful place in their school hallways and classrooms. And tell them that it's all right to doom them to a future of knowing less and achieving less than children from other states.

If you believe that it's wrong to tell our children those things, then now is the time for us to bring about fundamental change in Alabama schools.

I am not willing to have one more throw away child. I'm not willing to have one more potentially successful, productive Alabama adult lost to the welfare rolls because we forsook them in their early years.

That's why I'm asking you to support the Alabama First Plan. This is a plan that came out of an unprecedented process of consensus building. A plan based on the experience of Alabama's most successful schools—a plan that is now working in our best schools, such as West Forest School in Opelika. Cheryl Deaton, Principal of West Forest, will be here in the coming days to share with you how her school used the elements of our Alabama First Plan to raise their test scores from last in the district to first in less than two years. It's a plan that has earned the support of the Alabama PTA, the deans of every college of education in Alabama, Alabama Arise, A+, and many other grassroots organizations throughout the state, as well as the Business Council of Alabama and the Alabama Trial Lawyers. Our plan will challenge children, no matter where they live, to learn at their highest levels. Alabama First will mean that your children and mine will be in classes with fewer students so they can receive more individual attention.

Our plan will mean that children will go to schools that don't leak and arrive there in buses that don't put our most precious resources at risk. We will have 530 new school buses to replace those that were made before 1972.

Alabama First will mean that teachers will have technology and computers for their classrooms and time to prepare for their students. And our plan will provide the kind of professional development that our teachers deserve so that our students get the kind of teachers they deserve. Alabama First will also mean that our teachers will finally be paid more—at least an amount equal to the average of southeastern states—and some day soon at the national average.

Our plan will mean that decisions about education will be made at the local school level—by parents, teachers and administrators. And Alabama First will make our schools accountable to the taxpayers who foot the bill for public education in this state. This kind of accountability is vitally important if our taxpayers are to be confident that they are getting the maximum bang for every new dollar invested in education. Our Alabama First Plan puts more than 95 cents of every new dollar into classroom education and building improvements and not into educational bureaucracy.

Alabama First will also help to reinstitute discipline in the classroom and make our schools safe from crime. Children can't learn and teachers can't teach when they are concerned about whether they are safe at school. Under my plan, the four to five percent of the students who are constant discipline problems will attend alternative schools in each county so they may learn without disturbing our other children.

When the reforms envisioned in the Alabama First Plan take effect, we, as a state, will be able to attract more businesses and

better paying jobs because quality education and thriving economic development go hand-in-hand. These sweeping reforms will mean that our children will develop world class skills so they can successfully compete with the kids from any other state or any other country.

And let me set the record straight for the misguided and ill-informed critics: This plan does not teach values—it specifically says that values should be taught at home and in church. And it does not in any way “dumb down” the curriculum. Instead it challenges each child to excel and provides the tools to help them do just that. This is a plan which will not only teach our children the fundamentals of reading, writing and arithmetic, it will prepare them for the jobs of the future and provide a better life for every Alabama family.

But we also know that some of our children don’t come to school on equal footing with their friends. So, this plan will establish family resource centers to provide help for those families who are truly in need. We will be able to offer breakfast programs in some schools because we know that no child can learn if he or she is hungry.

Over the past summer, my wife Marsha held listening sessions all across our state. She listened to people from communities, parents and teachers who cared enough to show up and talk about the needs of children. Those needs are great and they go far beyond what most of us view as simply educational needs.

Day care workers at some locations told her that on Fridays and Mondays their food bills shot up. Why? Because some children faced weekends when they would not have enough food. They watched one two-year-old eat four heaping bowls of cereal at a sitting. My friend, no one can fill her mind with ideas if her stomach is empty every day when she comes to school. How can we know this and not push for immediate change in Alabama?

Tonight I wanted us to concentrate on the desperate need for fundamental education reform and on the specifics of our Alabama First Plan for Academic Excellence. We are eager to share with you the complete details of our funding proposals. Tomorrow I will meet with my Finance Director Jim White and key legislative leaders to release details on how Alabama First will be funded.

But I also want to say emphatically that we must be willing to pay for education reform...we must make this critical investment in their future.

That is our next challenge. After we pass the Alabama First Plan we must immediately provide the stable and permanent

funding needed to make this reform plan a lasting one. Every school system must make a reasonable effort to fund education reform. Those systems that have not paid their fair share should be required to meet the basic level of funding that is necessary for education reform. And I believe strongly that it is time that we ask the absentee land owners of Alabama to pay their fair share so we can provide a better economic future for our state. We must ask each community to do their part. Make no mistake we will find the funds at the state level to achieve our goal. And we will provide a stable, reliable source of revenue for the future.

I look forward to working with you to be sure we can fully fund the Alabama First Plan in the most fair and equitable way.

And let me add that any major tax reform that is necessary will be put to a vote of the people. But I am confident that the people of Alabama are ready to invest in our children's future. I am confident they are ready to support fair and equitable tax reform that will move Alabama forward.

It is unfortunate that in Alabama we've always been able to pay for a road or a prison, but we've never been able to pay for our children's education.

We can do better—and we will. We have the opportunity to make this Alabama's finest hour. But we have a basic choice to make; will we settle for some educational half-measure or will we fulfill the public trust and solve this problem that has held us down for so long?

The choice is ours. It won't be an easy task, but we weren't sent here to do an easy job.

As we depart from this historic room tonight, let us resolve to add our names to the list of those who labored before us to make Alabama a better state. And when the roll of history is called, let us be counted among those who were willing to stand up for a better future in 1994.

Let history record that tonight we began the march forward that will move Alabama to the forefront.

It is our time. It is Alabama's time to write a new chapter in our state's history. It is time to reform education. It is time to put Alabama's children—indeed all our children—first.

I thank you and God bless you. Good night.

ALABAMA LAWS
And Joint Resolutions
REGULAR SESSION, 1994

Act No. 94-1

H.J.R. 62 – Rep. Clark (J)

HOUSE JOINT RESOLUTION

HONORING THE LATE DAVID CARL “DAVEY” ALLISON.

WHEREAS, the late David Carl “Davey” Allison was a true Alabama Sports Legend who not only made outstanding contributions to the sport of professional automobile racing, but also brought an uncommon amount of credit and honor to the State of Alabama as a result of his personal and professional excellence, and his unselfish commitment to social and humanitarian causes throughout the State; and

WHEREAS, Davey Allison began his auto racing career at Birmingham (Alabama) International Raceway on April 22, 1979, and won his first race at Birmingham on May 5, of that same year; and

WHEREAS, Davey Allison always emulated the proud, fiercely competitive tradition of racing’s famous “Alabama Gang” led by his legendary father, Bobby, and eventually ascended to its leadership; and

WHEREAS, Davey Allison won his first NASCAR Winston Cup race at Talladega (Alabama) Superspeedway on May 3, 1987; became the only man in NASCAR Winston Cup history to win two races and five pole positions in his first season on the world’s most competitive racing circuit; and was honored as the series’ Rookie of the Year; and

WHEREAS, Davey Allison, in 191 races spanning only five complete NASCAR Winston Cup seasons, earned 19 victories, including the 1992 Daytona 500, to rank fifth among active drivers; became the only driver to win The Winston all star race two years in a row; was honored as 1992 Driver of the Year by the National Motorsports Press Association; and, earned numerous other honors and awards; and

WHEREAS, Davey Allison brought special honor to himself as Champion of the 1993 International Race of Champions series; and

WHEREAS, beyond the fiercely competitive and indomitable spirit of Davey Allison, there was a soul-deep belief in God, a

heartfelt love for family and fans, a tireless devotion to his sport and its fans and an abiding kindness and compassion for all; and

WHEREAS, when the race was run, Davey Allison longed for Hueytown and his Alabama home, and the people of Alabama remain sorely bereft in the lamentable loss of a beloved native son; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks unto God for the life of David Carl "Davey" Allison, for his compassion for those in need, and for his selfless support and love for those less fortunate than he.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Davey Allison's family that they may know we sincerely share the sorrow of their great and grievous loss.

Approved January 20, 1994

Time: 11:40 A.M.

Act No. 94-2

H.J.R. 2 – Rep. Campbell

HOUSE JOINT RESOLUTION

COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the Senate to be appointed by the presiding officer of the Senate, and three members on the part of the House to be appointed by the Speaker, be appointed to notify the Governor of Alabama that the Legislature is now in session and is ready for the transaction of business.

Approved January 24, 1994

Time: 4:00 P.M.

Act No. 94-3

H.J.R. 3 – Rep. Campbell

HOUSE JOINT RESOLUTION

INVITATION FOR JOINT ADDRESS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session

of the House and Senate be held at 6:15 P. M. on January 11, 1994, in the Hall of the House of Representatives at the State Capitol for the purpose of hearing the message of the Honorable James E. Folsom, Jr., Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour and place named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the joint session.

Approved January 24, 1994

Time: 4:01 P.M.

Act No. 94-4

H.J.R. 7 – Reps. Freeman, Hall (A)

HOUSE JOINT RESOLUTION

URGING THE HUNTSVILLE GAS AND WATERWORKS UTILITY BOARD AND THE HUNTSVILLE ELECTRIC BOARD TO ALLOW EARLY RETIREMENT FOR THEIR EMPLOYEES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that the Huntsville Gas and Waterworks Utility Board and the Huntsville Electric Board follow the retirement procedures established by the City of Huntsville and allow their employees to take a 25 year retirement option.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent forthwith to the Huntsville Gas and Waterworks Utility Board and the Huntsville Electric Board that they may know of our desires concerning this matter.

Approved January 24, 1994

Time: 4:02 P.M.

Act No. 94-5

H.J.R. 5 – Rep. Goodwin

HOUSE JOINT RESOLUTION

CONGRATULATING THE COLBERT COUNTY HIGH SCHOOL INDIANS ON THE 1993 STATE CLASS 3-A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature hereby extends heartiest congratulations to the Colbert County High School Indians as Alabama's 1993 State 3-A Football Champions; and

WHEREAS, the Indians, under the talented leadership of Head Coach Jimmy Moore, ably assisted by Coaches Jimmy Lockett, Scottie Hannah, Jackie Norton, Jerry Smith, Bill Deegan, Lee Craft, David Isbell, Michael Ricks, and Lance Moore, advanced to the State Play-offs, outscoring their five collective opponents 145-47, including a 40-0 shutout over Colbert Heights, a 13-7 game in overtime against South Lamar, and successive wins over Plainview (38-15), Central (40-15), and St. Paul (14-10) in the Title game to finish the season with an impressive 11-4 overall record; and

WHEREAS, greatly contributing to these accomplishments were Champion team members, Brent Austin, Ferris Barnett, Mondale Bates, Brett Beavers, Cory Cobb, Andy Evans, Greg Ford, Thomas Fuqua, Gary Hampton, Myron Hampton, Freddie Ingram, Justin Isbell, Jemal Jones, Lawrence King, Torey King, Dennis Lewis, Mike Madden, Shawn Malone, Parvin Neloms, Waco Neloms, Kavis Reed, Corinthians Ricks, Lamar Ricks, Pat Robinson, Terris Robinson, Brian Swinea, Steve Stanley, Marcus Taylor, Micah Taylor, and Corey Uhlman; and

WHEREAS, cheering the Indians to victory from the sidelines were, Molly Akers, Chasity Beene, Jenny Lee Berry, Amanda Eddie, Amy Hallmark, Amaris Hanback, Tonya Malone, Kara Neloms, Tonya Patterson and Latena Stanley, under the sponsorship of Julie Coan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Jimmy Moore, his staff, and the Colbert County High School Indians on the 1993 State Class 3-A Football Championship, and do further direct that copies of this resolution be forwarded to Principal Everett Greenhill for appropriate presentation and school display.

Approved January 24, 1994

Time: 4:03 P.M.

Act No. 94-6

H.J.R. 6 – Rep. Carns

HOUSE JOINT RESOLUTION

CALLING ON THE UNITED STATES POSTAL SERVICE TO
ISSUE A COMMEMORATIVE POSTAGE STAMP IN HONOR OF

**FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH
PAUL "BEAR" BRYANT.**

WHEREAS, former University of Alabama football coach Paul "Bear" Bryant is the winningest coach in Division 1 college football history; and

WHEREAS, Coach Bryant led his teams to six national championships; and

WHEREAS, Coach Bryant holds the record for most post season bowl appearances, most bowl wins and a number of other accomplishments unequaled before or since his coaching career ended in 1982; and

WHEREAS, Bear Bryant represents to all Americans a positive can-do spirit of achievement, as exemplified by his life of accomplishments on and off the field; and

WHEREAS, Bear Bryant was a great American who personified the winning spirit and, as articulated by former President Reagan, "He lived what we strive to be."; and

WHEREAS, many sports heroes have been honored by the Postal Service by way of a commemorative stamp; and

WHEREAS, the Postal Service's ten-year waiting period for such an honor has expired since Coach Bryant passed away on January 18, 1983; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Postmaster General commission a stamp to be issued in honor of Coach Paul "Bear" Bryant as soon as practicable, and that the process to start or move forward consideration of such a stamp be begun this March, 1994, when the Citizen's Advisory Committee of the Postal Service next meets.

BE IT FURTHER RESOLVED, That the art and image that would appear on such stamp have input by the University of Alabama.

Approved January 24, 1994

Time: 4:04 P.M.

LAW ENFORCEMENT AGENCIES IN COMBATING JUVENILE CRIME.

WHEREAS, this nation is witnessing an unprecedented era of violent crime, much of which is committed by juvenile offenders; and

WHEREAS, the state and local law enforcement agencies are overwhelmed by the epidemic of crime committed by juveniles; and

WHEREAS, the juvenile crime wave threatens the safety, health, and well-being of other juveniles and adults in this country, and also severely disrupts the educational process of our nation's schools; and

WHEREAS, the severity of this problem requires the involvement and leadership of the federal government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature respectfully requests President Clinton, as commander-in-chief, to authorize the national guards of the various states to assist state and local law enforcement agencies in their efforts to combat crime committed by juvenile offenders.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent immediately to President Clinton for his consideration.

Approved January 24, 1994

Time: 4:05 P.M.

Act No. 94-8

H.J.R. 9 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING THOMAS INGRAM, JR., FOR DISTINGUISHED SERVICE TO THE TUSCALOOSA CITY BOARD OF EDUCATION.

WHEREAS, in noting the resignation effective January 31, 1994, of Thomas Ingram, Jr., as Superintendent of the Tuscaloosa City School System, the Alabama Legislature also recognizes his accomplished tenure of some 27 years of service to the schools and students of Tuscaloosa, Alabama; and

WHEREAS, Dr. Ingram, a former teacher and principal with the St. Clair County Board of Education, joined the Tuscaloosa City System in 1966 as assistant principal of Tuscaloosa High

School and, in 1969, was named principal, serving in that capacity until 1971, at which time he became administrative assistant to the superintendent; and

WHEREAS, he then served successively within the system as director of personnel and special services, assistant superintendent, and in the top administrative position for the past 15 years; and

WHEREAS, in recounting Dr. Ingram's impressive record of achievements as superintendent, his competent leadership during desegregation of the system's schools, in compliance with a federal court order, comes first to mind as a major accomplishment; and

WHEREAS, this is followed closely, however, by other such milestones of progress as the school board's 1986 \$18 million bond issue for long-range capital improvements, and Dr. Ingram's recent "New Visions" proposal, a program to be phased in over an eight-year period that covers improvements in preschool and primary education, the Tech Prep "new century schools" concept, more business and industry involvement, technology, and family involvement; and

WHEREAS, Dr. Ingram, who earned his undergraduate degree at Samford University, and holds a master's degree and his Doctor of Education degree from the University of Alabama, is leaving the Tuscaloosa City School System to become Deputy Superintendent with the State Department of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to the Tuscaloosa City School System, and with warm best wishes for every continuing success in his new position at the state level, we hereby commend Thomas Ingram, Jr., whom we hold in highest regard, and for whom a copy of this resolution shall be provided.

Approved January 24, 1994

Time: 4:06 P.M.

Act No. 94-9

H.J.R. 10 – Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING CONSTANCE H. KELLEY OF MOBILE,
ALABAMA, AS OUTSTANDING DIETITIAN OF THE YEAR.

WHEREAS, the Legislature of Alabama takes great pleasure in noting the selection of Constance H. Kelley of Mobile, Alabama, as Outstanding Dietitian of the Year for 1993 by the Alabama Dietetic Association; and

WHEREAS, Ms. Kelley, who presently serves as Director of Nutritional Services at the University of South Alabama Medical Center, received her B.S. degree from Auburn University and an M.S. degree from the University of Tennessee; and

WHEREAS, prior to assuming her position as director, Ms. Kelley had served as Clinical Dietitian for the Center's Metabolic Support Teams and, in earlier positions, was Food Service Director at Searcy Hospital, and an instructor in the Department of Food and Nutrition, College of Home Economics, Kansas State University; and

WHEREAS, over her career, Ms. Kelley has provided leadership and support to her profession, as well as in civic and community affairs, in such capacities as past president of both the Alabama and the Mobile District Dietetic Associations; as an active member of the American Dietetic Association, the American Cancer Society, and Toast Masters International, which named her Outstanding Toast Master for District 29; and as Girls Action Leader, Mission Friends Director, and Bible Drill Director at Spring Hill Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to her profession and the community, and as Outstanding Dietitian of the Year, we hereby most highly commend Constance H. Kelley of Mobile, for whom a copy of this resolution of sincere regard shall be provided.

Approved January 24, 1994

Time: 4:07 P.M.

Act No. 94-10

H.J.R. 11 – Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING ROBERT J. WILLIAMS FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE MOBILE COMMUNITY.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Robert J. (Bob) Williams of Mobile, Alabama, for outstanding contributions and service to his community, and to its youth; and

WHEREAS, Mr. Williams, a native of Clever, Missouri, received his B.S. degree from the University of Arkansas, graduated from Naval Officers' Training School in Newport, Rhode Island, and served on the staff of the Amphibious Training Command in Coronado, California; and

WHEREAS, he also is a former professional baseball player, having played with the Philadelphia Athletics, and, at one time, was a vocalist with WBT and WBTW in Charlotte, North Carolina; and

WHEREAS, over the years, Mr. Williams has provided invaluable leadership and support to countless civic, service, and youth organizations including the Mobile Area Chamber of Commerce, the Mobile Community Foundation, First Alabama Bank of Mobile, Convention and Visitors Corporation, America's Junior Miss, Doctors Hospital, St. Paul's School, WHIL, United Way, Salvation Army, Boy Scouts Mobile Area Council, YMCA Metropolitan, and Dauphin Way United Methodist Church; he also has served as president of the Alabama State Pest Control Association and the Terminix National Council, and presently serves as president/CEO of Terminix Service, Inc.; and

WHEREAS, he was named an Honorary Fellow at the University of Mobile and, in 1993, received the annual B. R. Wilson, Jr., Leadership Award from the Boys and Girls Club for his outstanding and dedicated service to the youth of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Robert J. (Bob) Williams for immeasurable contributions and service to the Mobile community, and direct that he receive a copy of this resolution as a measure of our gratitude, tribute, and esteem.

Approved January 24, 1994

Time: 4:08 P.M.

Act No. 94-11

H.J.R. 12 – Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING UNITED STATES AIR FORCE MAJOR GENERAL NORA A. ASTAFAN.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Major General Nora A.

Astafan, an Oakmont, Alabama, native, on her appointment, March 11, 1993, as the highest ranking female in the United States military, and the first female Two-Star General in the armed forces; and

WHEREAS, General Astafan, who earned her B.S. degree from the University of Alabama, and a Master's degree from California State University, was commissioned through Officer Training School, Lackland Air Force Base, Texas, and completed the Basic Supply Officers Course at Amarillo Air Force Base, Texas; and

WHEREAS, she served on active duty with the 3245th Maintenance and Supply Group at Laurence G. Hanscom Field, Massachusetts, and the 20th Tactical Fighter Wing, Royal Air Force Station, Wethersfield, England, while her reserve duty assignments have included Mobilization Assistant with the B-52 Systems Management Division, Oklahoma City Air Materiel Area, and Mobilization Assistant to the Commander, Air Force Acquisition Logistics Center, Wright Patterson Air Force Base, Ohio; and

WHEREAS, over her career, General Astafan's many notable accomplishments have been recognized by such awards and decorations as Outstanding Supply Officer of the U. S. Air Force, Legion of Merit, Bronze Star, Meritorious Service Medal with Two Oak Leaf Clusters, Air Force Commendation Medal, and Air Force Outstanding Unit Award; and,

WHEREAS, she has also extended her leadership abilities to include active membership in a number of civic associations including the Oklahoma Christian College Women's Association, California Association of Educators of Young Children, McClellan Museum Foundation, the Air Force Logistics Command Air Reserve Forces Policy and Advisory Council, Tierra del Oro Girl Scout Council, and Rancho Cordova Church of Christ; and

WHEREAS, General Astafan currently resides in Carmichael, California, and serves as Mobilization Assistant to Deputy Chief of Staff for Logistics at United States Air Force Headquarters in Washington, D. C.; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement, we hereby most highly commend Major General Nora A. Astafan, of whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved January 24, 1994

Time: 4:09 P.M.

Act No. 94-12

H.J.R. 13 – Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING SHANE CLACK OF VINA HIGH SCHOOL,
RECIPIENT OF THE 1993 CHUCKY MULLINS AWARD.

WHEREAS, the Chucky Mullins Award, established and sponsored by the Franklin County Times, is bestowed annually in memory of Roy Lee “Chucky” Mullins, a Russellville High School football star, and a University of Mississippi player who died in 1991 as a result of injuries sustained during the 1989 Ole Miss-Vanderbilt game; and

WHEREAS, it is with great pleasure that the Legislature of Alabama recognizes Shane Clack of Vina High School, the third recipient of this prestigious honor who is, as was the late Chucky Mullins, a fine young man of exceptional leadership ability, character and courage, and with the indomitable spirit to overcome the tragedy of his father’s death in a 1992 boating accident; and

WHEREAS, Shane Clack, although slight of build at 150 pounds, but long on courage, led Vina with five interceptions and seven touchdowns this past season; he also took over the responsibility of the team’s starting punter who was injured, returning his only punt 60 yards for a touchdown, and, in double overtime against Red Bay, scored the winning touchdown; and

WHEREAS, the outstanding athletic accomplishments of Shane Clack are indeed worthy of public recognition, and he is to be most highly commended for his extraordinary dedication and commitment to achieve his fullest; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to Shane Clack as the recipient of the coveted Chucky Mullins Award, and do further direct that he receive a copy of this resolution of sincere praise and esteem.

Approved January 24, 1994

Time: 4:10 P.M.

Act No. 94-13

H.J.R. 14 – Rep. Layson

HOUSE JOINT RESOLUTION

COMMENDING PAUL ROBERTSON FOR EXTRAORDINARY HEROISM.

WHEREAS, in consensus of admiration and esteem, the Alabama Legislature most highly commends Paul Robertson of Lamar County, Alabama, whose quick, decisive and courageous actions were instrumental in preventing a highway accident of such proportion as to possibly kill and/or maim the occupants of a school bus, and those of a second vehicle; and

WHEREAS, on September 9, 1993, Mr. Robertson, who was driving a fully loaded log truck on Alabama Highway 14 in Pickens County, placed his life in jeopardy and, in fact, was critically injured when he made an instant decision to leave the road, and thereby avoid hitting a pickup truck, as well as a school bus filled with young students; and

WHEREAS, Paul Robertson, in his successful attempt to save the lives of others, was seriously injured and remained hospitalized in Baptist Memorial Hospital-Golden Triangle in Columbus, Mississippi, until late October, at which time he was transferred to Lakeshore Rehabilitation Center in Birmingham; and

WHEREAS, Mr. Robertson is indeed deserving of highest praise for his heroic actions in order to prevent injury to, or even death of the occupants of the two vehicles, the majority of whom were young students from Pickens County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his outstanding courage, we hereby most highly commend Paul Robertson of Lamar County, Alabama, to whom a copy of this resolution shall be presented, that he may know of our sincere regard, and of our fervent prayers for a complete recovery from the injuries he sustained in saving the lives of others.

Approved January 24, 1994

Time: 4:11 P.M.

Act No. 94-14

H.J.R. 15 – Rep. Hammett

HOUSE JOINT RESOLUTION

CONVENING A JOINT LEGISLATIVE SESSION TO COMMEMORATE DAVEY ALLISON DAY

WHEREAS, Davey Allison of Hueytown, Alabama, was one of our state's most well known and beloved personalities, who during his life represented Alabama in an exemplary manner; and

WHEREAS, the memory of Davey Allison in his home state continues; and

WHEREAS, on January 25, 1994, Texaco, U.S.A. wishes to make a donation to the State of Alabama in honor of the life of this fine young man; now therefore,

BE IT RESOLVED, That on January 25, 1994, at a time to be set by the presiding officer of each house, a joint session of the Legislature of Alabama shall convene for the purpose of commemorating Davey Allison Day and to receive a donation to the state from Texaco, U.S.A. in remembrance of Mr. Allison.

BE IT FURTHER RESOLVED, That we respectfully invite Governor James E. Folsom, Jr., to attend this joint session so that he may join the Legislature in honoring the family of Mr. Allison.

RESOLVED FURTHER, That copies of this resolution be forwarded to Governor Folsom, the family of Mr. Allison, and Texaco, U.S.A.

Approved January 24, 1994

Time: 4:12 P.M.

Act No. 94-15

H.J.R. 16 – Rep. Kvalheim

HOUSE JOINT RESOLUTION

COMMENDING DR. ANGUS MCBRYDE, JR., OF MOBILE, ALABAMA.

WHEREAS, is with highest commendation that the Legislature of Alabama notes the election of Dr. Angus McBryde, Jr., of Mobile, Alabama, as 1993-94 president of the Southern Medical Association during the association's 87th Annual Scientific Assembly; and

WHEREAS, Dr. McBryde, a prominent figure in the medical community, received his M.D. from Duke University, served his internship and junior assistant residency in general surgery at the University of Pennsylvania Hospital, and, following military service in Vietnam, completed his residency in orthopaedics at Duke University Medical Center; and

WHEREAS, he subsequently served at the Miller Clinic in Charlotte, North Carolina, as attending orthopaedic surgeon in the teaching program at Carolina Medical Center, and as assistant clinical professor of orthopaedics at Duke Medical School; and

WHEREAS, over his distinguished career, Dr. McBryde has authored numerous articles and other publications, and is often called upon as a speaker on the subject of Sports Medicine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on his election as president of the Southern Medical Association, we hereby most highly commend and congratulate Dr. Angus McBryde, Jr., of Mobile, Alabama, for whom a copy of this resolution of sincere regard and tribute shall be provided.

Approved January 24, 1994

Time: 4:14 P.M.

Act No. 94-16

H.J.R. 17 – Rep. Kvalheim

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF STEWART THAMES OF MOBILE, ALABAMA.

WHEREAS, it is with sincere sorrow and regret that the Alabama Legislature records the death of Stewart Thames of Mobile, Alabama, on August 26, 1993; and

WHEREAS, a lifelong and prominent resident of Mobile, Stewart Thames was a former vice president of Southern Industries, more recently known as Dravo Natural Resources; and

WHEREAS, Mr. Thames also provided invaluable leadership and support to his community in such capacities as president of the Mobile Safety Council, member of both the Providence Hospital and Mercy Medical boards, past president of the Mobile Country Club, and as a member of a number of civic organizations and mystic societies; and

WHEREAS, further, Mr. Thames was a devoted member of St. Paul's Episcopal Church and a graduate of the University of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the lamentable death of Stewart Thames of Mobile, and extend deepest sympathy and condolences to his sons, Stewart Thames, Jr., Alan Michael Thames, and Boyd Mason Thames; daughter, Susan Thames Leatherbury; brother, Gustave

Beauregard Thames; sister, Susan Thames Pettiss; to his many grandchildren; and to other family members, for whom a copy of this resolution shall be provided.

Approved January 24, 1994

Time: 4:14 P.M.

Act No. 94-17

H.J.R. 18 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DAVID D. ROBERTS OF MOBILE, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature mourns the death of David D. Roberts of Mobile, Alabama, on December 26, 1993, at the age of 75 years; and

WHEREAS, Mr. Roberts, a native of Pittsburgh, Pennsylvania, and a resident of Mobile since 1931, was co-founder of Roberts Brothers Inc., one of Alabama's largest real estate companies; and

WHEREAS, named Mobilian of the Year in 1985, Mr. Roberts provided leadership and support to countless civic, cultural, charitable, and business organizations including the Mobile County Board of Realtors, Alabama Association of Realtors, Mobile Planning Commission, Salvation Army, Mobile Opera Guild, Federal Home Loan Bank and FNMA; he also was instrumental in the development and management of numerous shopping centers in South Alabama; and

WHEREAS, Mr. Roberts further served in such prominent positions as president of the National Association of Realtors, the nation's largest trade association; as a founder and director of Commercial Guaranty Bank, now Southtrust Bank; and as United States representative to three International Shelter Conferences sponsored by the United Nations; and

WHEREAS, a graduate of Auburn University, Mr. Roberts was a highly decorated combat veteran of World War II and later served some 15 years as commanding officer of an active reserve unit in Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby grievously mourn the death of David D. Roberts of Mobile, Alabama, and extend heartfelt sympathy to his wife, Sadie

Edwards Roberts; daughter, Mary Harriett Roberts Slingluff; sons, David D. Roberts, Jr., and Benjamin Thomas Edwards Roberts; to his five grandchildren and three great-grandchildren; and to other family members, for whom a copy of this resolution shall be provided.

Approved January 24, 1994

Time: 4:15 P.M.

Act No. 94-18

H.J.R. 19 – Rep. Butler

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIS VINCENT BELL OF MONTGOMERY, ALABAMA.

WHEREAS, it is in profound, personal sorrow that the Legislature of Alabama records the death of Willis Vincent Bell of Montgomery, Alabama, on December 28, 1993, at the age of 74 years; and

WHEREAS, a Montgomery County native, Willis Bell was a distinguished United States Navy veteran of World War II, and a 1949 graduate of the University of Alabama School of Law where he was a member of Farrah Law Society, ODK, and Order of Jurisprudence, and was Comment Editor of the Alabama Law Review; and

WHEREAS, Mr. Bell, after receiving his Juris Doctor degree from the University, was engaged in the private practice of Law in Montgomery from 1949 until 1953 and, in a continuation of his accomplished legal career, was an attorney with the Alabama Power Company in Birmingham for twenty years, before returning to Montgomery to join the legal staff of the Legislative Reference Service; and

WHEREAS, it was in this capacity, and for his many contributions to the Legislative process, that we came to know Willis Bell as a valued friend; to greatly appreciate his legal astuteness; and to rely greatly upon his advice and counsel as an acknowledged authority on the Code of Alabama; and

WHEREAS, shortly after joining the Legislative Reference Service staff, Mr. Bell was designated Reporter to the Code Revision Subcommittee, which had been appointed by the Legislative Council to supervise the editing of the State's new

Code of Laws, and it was in this highly responsible position that he still served at the time of his lamentable death; and

WHEREAS, Mr. Bell, a senior analyst with the Legislative Reference Service, also served as the agency's Revisor of Statutes, working closely with the editor and publisher of the Code to provide for a cumulative supplement, and any replacement volumes, after each Legislative session; additionally, he drafted the legislation necessary to codify the laws contained in each supplement, as well as legislation, as requested, in order to prepare the bill for submission to the Legislature; and

WHEREAS, the death of Willis V. Bell has indeed left an unfathomable void in the life of the community, and in the heart of his beloved wife of 40 years, Bertha R. Bell, with whom he reared four fine children in the nurture and admonition of the Lord, and as faithful members of the Vaughn Park Church of Christ, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Willis Vincent Bell of Montgomery, Alabama, and extend our most heartfelt sympathy to his wife and their daughter, Mary Jane Bell Slaughter; sons, Willis V. Bell, III, James R. Bell, and Robert I. Bell; five grandsons; and other family members, with whom we share a grievous burden, and for whom copies of this resolution shall be provided.

Approved January 24, 1994

Time: 4:16 P.M.

Act No. 94-19

H.J.R. 20 – Rep. Butler

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WALKER TUCK OF HARVEST, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Mr. Walker Tuck of Harvest, Alabama, on December 10, 1993, at the age of 95 years; and

WHEREAS, Mr. Tuck, a lifelong resident of Harvest, was a prominent and much beloved member of his community; a farmer, ginner and merchant; and a longtime member of the Ford's Chapel United Methodist Church, where he was actively involved through leadership and service; and

WHEREAS, the lamentable death of Walker Tuck has indeed left a deep void in the life of the community, and in the hearts of his family and all those whose lives he touched with loyal friendship, care, and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks unto God for the life of His obedient servant, Mr. Walker Tuck of Harvest, Alabama.

BE IT FURTHER RESOLVED, That our sincere sympathy is extended to his wife, Mrs. Grace Quick Tuck, his sister, Mrs. Mable Allen; and to other family members, for whom a copy of this resolution of heartfelt condolence shall be provided.

Approved January 24, 1994

Time: 4:17 P.M.

Act No. 94-20

H.J.R. 21 – Reps. Butler, Turnham, Venable

HOUSE JOINT RESOLUTION

COMMENDING COACH TERRY BOWDEN OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation and a great sense of pride that the Alabama Legislature recognizes Coach Terry Bowden for his outstanding record of achievement during his first year as Head Coach at Auburn University; and

WHEREAS, Coach Bowden, who at 37 is one of the youngest Division 1-A head coaches in the country, captured the attention of the state and nation, when, in his rookie year as coach of a major college program, he directed the Auburn Tigers to a spectacular 11-0 record season, a feat unprecedented in NCAA history; and

WHEREAS, he was hailed as Coach of the Year for 1993 by such organizations as United Press International, Associated Press, the Walter Camp Football Foundation, Sporting News, and Football News, and as recipient of the famed Bear Bryant Award; and

WHEREAS, Coach Bowden had accomplished what to some seemed a miracle; holding to the old-fashioned coaching philosophy that success comes through hard work and commitment, he had taken a team plagued by adversity, restored their confidence and determination, and inspired them to greatness; and

WHEREAS, humble in his accomplishments, candid and sincere, and imbued with Christian principles and perspective, Coach Bowden indeed serves as a worthy role model for the young men under his tutelage; and

WHEREAS, a cum laude graduate of West Virginia, Coach Bowden attended Oxford University, earned his law degree from Florida State, and coached nine combined seasons at Salem College and Samford University before beginning his coaching career at Auburn; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of and in tribute to his outstanding achievement, we hereby most highly commend Coach Terry Bowden of Auburn University for whom a copy of this resolution shall be provided as an expression of our sincere admiration and warmest personal regard.

Approved January 24, 1994

Time: 4:18 P.M.

Act No. 94-21

H.J.R. 22 – Rep. Zoghby

HOUSE JOINT RESOLUTION

COMMENDING BOB KIRBY OF MOBILE, ALABAMA.

WHEREAS, in noting the retirement of Bob Kirby of Mobile as Chief Executive Officer of the Better Business Bureau, the Alabama House of Representatives also notes his many outstanding accomplishments as bureau president for more than 23 years; and

WHEREAS, Mr. Kirby, a former realtor and homebuilder, served as Business Relations Director for the Central Indiana Better Business Bureau prior to his position with the Mobile Bureau which, under his leadership, has grown tremendously both in financial support and in the services it provides; and

WHEREAS, over the course of his tenure, Bob Kirby addressed countless civic, consumer and education groups; produced and served as host of regularly scheduled television shows for many years; and, as a columnist, wrote "Kirby Komments," a weekly feature published in the Mobile Press Register and other area newspapers; and

WHEREAS, in addition to his career responsibilities however, Mr. Kirby has extended his leadership talent and ability to include membership and/or high offices in such organizations as Sales and

Marketing Executives, Council of Better Business Bureaus Board of Directors, Boy Scouts of America, Mercy Medical Hospital Board, Alabama District of Kiwanis and the Kiwanis Club of Mobile, Crichton Boys Club, and Senior Citizen Services, among many others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement as President of the Better Business Bureau, we hereby most highly commend Bob Kirby of Mobile, Alabama, for whom a copy of this resolution shall be provided, with warm best wishes for every future success and happiness in life.

Approved January 24, 1994

Time: 4:19 P.M.

Act No. 94-22

H.J.R. 31 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, January 13, 1994, they adjourn to meet again on Tuesday, January 18, 1994.

Approved January 24, 1994

Time: 4:20 P.M.

Act No. 94-23

S.J.R. 5 – Senator Windom

SENATE JOINT RESOLUTION

HONORING DR. J. C. ASHBEE OF MOBILE, ALABAMA, AS OPTOMETRIST OF THE YEAR.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Dr. J. C. Ashbee of Mobile, Alabama, on his selection as "Optometrist of the Year" for 1993, by the Alabama Optometric Association; and

WHEREAS, Dr. Ashbee, a native and lifelong resident of Mobile, graduated from Murphy High School in 1943, and entered

the United States Marine Cadet Corps, serving as a cadet midshipman on tankers in World War II; and

WHEREAS, he subsequently earned his B.S. degree from the United States Merchant Marine Academy in 1947, received a commission and a deck officer's license in the United States Naval Reserve, and sailed for 5 years with the Waterman Steamship Company; and

WHEREAS, in 1956 he earned a Doctor of Optometry degree from the University of Houston College of Optometry and entered the private practice of optometry; and

WHEREAS, in addition to his highly successful practice, Dr. Ashbee works with the Loop Lions Club, providing free examinations and spectacles for those less fortunate who are in need; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend and congratulate Dr. J. C. Ashbee of Mobile as 1993 "Optometrist of the Year," and direct that he receive a copy of this resolution as an expression of our sincere regard and esteem.

Approved January 24, 1994

Time: 4:21 P.M.

Act No. 94-24

S.J.R. 6 – Senator Foshee

SENATE JOINT RESOLUTION

DESIGNATING CERTAIN BRIDGES OVER LITTLE ESCAMBIA CREEK, IN ESCAMBIA COUNTY, "THE FRANK P. 'SKIPPY' WHITE BRIDGES."

WHEREAS, Representative Frank P. "Skippy" White has served in the Alabama House of Representatives since 1981 and has served on the Joint Highway Committee for ten years, supporting legislation enhancing economic development in Alabama and highway improvement and safety, has provided support for revenue enhancement that brought four-lane highways along U.S. Highway 31 South, from Flomaton to Brewton, Alabama; and

WHEREAS, he has worked diligently to develop programs to eradicate old and unsafe bridges in his district, and the bridge or bridges over Little Escambia Creek along U.S. Highway 31 in need of replacement are the subject of special concern to him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon completion of the new bridge or bridges over that portion of U.S. Highway 31 over the Little Escambia Creek, Escambia County, Alabama, the bridge or bridges shall be named and designated the "Frank P. 'Skippy' White Bridge," or bridges as the case may be.

BE IT FURTHER RESOLVED, That the appropriate officials are authorized to erect and maintain appropriate signs and markers, so designating the bridge or bridges as the "Frank P. 'Skippy' White Bridge" in honor of our esteemed colleague.

Approved January 24, 1994

Time: 4:22 P.M.

Act No. 94-25

S.J.R. 7 – Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING COACH MIKE PRICE AND COACH MIKE ZIMMER OF WASHINGTON STATE UNIVERSITY.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Head Coach Mike Price of Washington State University for outstanding contributions to the 1993 Blue-Gray All Star Football Classic in Montgomery, Alabama, December 25, 1993, sponsored by the Montgomery Lion's Club; and

WHEREAS, serving as offensive coach for the North squad, Coach Price, ably assisted by Coach Mike Zimmer, and accompanied by Washington State Cougars Mike Pattison, Josh Dunning, and Brett Carolan, indeed played a prominent role in the outstanding success of this popular annual event; and

WHEREAS, Coach Price, in his five years as Head Coach at Washington State, has achieved notable success and, in 1992, took the Cougars to the Copper Bowl, following their 9-3 season record, the University's best showing since 1930; and

WHEREAS, also over the course of his career, he has been honored as Big Sky Conference Coach of the Year, Regional Coach of the Year by the American Football Coaches Association, and as Pac Ten Coach of the Year in 1989; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding contributions to the success of the 1993 Blue-Gray All Star Football Classic, we join with the City of Montgomery and the Montgomery Lions Club in extending deepest gratitude and appreciation to Coach Mike Price and Coach Mike Zimmer of Washington State University, for both of whom a copy of this resolution shall be provided.

Approved January 24, 1994

Time: 4:23 P.M.

Act No. 94-26 S.J.R. 8 – Senators Little, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

WHEREAS, Thomas C. (Tom) Maher of Wetumpka, Alabama, demonstrated exemplary dedication and ability as a public servant for the citizens of Alabama; and

WHEREAS, Tom began his career of public service in Alabama as the Executive Director of the Neighborhood Improvement Council for the City of Mobile, Alabama, in 1978; and

WHEREAS, from January 1984, Tom served eminently and with great dedication as a Legislative Fiscal Analyst with the Alabama Legislative Fiscal Office until his health necessitated his retirement in November 1993; and

WHEREAS, during that period, Tom, through devotion to duty and with his superior intellect, provided the Alabama Legislature and the citizens of the State of Alabama with professional service of the highest level; and

WHEREAS, Tom's work brought him into contact with officials of both the public and private sectors representing diverse fields, including law enforcement, the Judiciary, and financial, administrative and informational systems; and

WHEREAS, his contacts with individuals within these sectors grew from simple acquaintances among colleagues to warm, lasting friendships, as it was impossible to resist Tom's wit, his kind manner, and genuine sincerity; and

WHEREAS, Tom was always eager to help others by resolving work-related problems, as well as providing them with encouragement during times of personal adversity, and we hope that he knows how grateful we were for his concern, and how much he inspired us with his dignity; and

WHEREAS, Tom's family life as a faithful, loving husband and as a devoted father, was worthy of emulation by all; and

WHEREAS, Tom unselfishly gave of himself to make government work better in improving the lives of the citizens of the State, and though that service was greatly appreciated, it was largely unrecognized; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That heartfelt appreciation is hereby expressed to the family of Thomas C. Maher for having shared him with those he served and, most especially, those with whom he worked and who loved him as a very special friend.

Approved January 24, 1994

Time: 4:24 P.M.

Act No. 94-27

H.J.R. 33 – Reps. Richardson, Starkey,
Hamilton, Carter,
Goodwin, Black (M)

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF NORTH ALABAMA ON THE OUTSTANDING SUCCESS OF THE 1993 FOOTBALL SEASON.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature congratulates the University of North Alabama (UNA) on the phenomenal success of the 1993 football season which culminated in the NCAA Division II National Championship by virtue of a 41-34 victory over Indiana University of Pennsylvania; and

WHEREAS, the University of North Alabama, in addition to claiming the national title, also finished the 1993 season with a

perfect 14-0 record, the first perfect season in UNA and Gulf South Conference history, and became only the fourth team in Division II history to finish a season at 14-0; and

WHEREAS, further, the University of North Alabama, under the leadership of Head Coach Bobby Wallace, finished 7-0 in the Gulf South Conference, winning the conference championship for the fourth time, and in playing for the National Championship on its home field at Braly Stadium, became the first school in the 21-year history of NCAA Division II football to play for the title on its home field; and

WHEREAS, the national championship game attracted an overflow crowd to Braly Stadium, and was viewed by countless others in a national television audience; and

WHEREAS, North Alabama's coach, Bobby Wallace, was named Gulf South Conference Coach of the Year and Kodak Regional Coach of the Year, and the UNA team included eight All-Conference and four All-America performers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and in admiration for their dedication and hard work throughout the 1993 season, we hereby most highly commend the University of North Alabama NCAA Division II Football Champions, and direct that copies of this resolution be prepared for appropriate presentation and display by the University.

Approved January 24, 1994

Time: 4:25 P.M.

Act No. 94-28

H.J.R. 34 – Rep. Cosby

HOUSE JOINT RESOLUTION

DESIGNATING THE YEAR OF 1994 AS THE OFFICIAL 175TH ANNIVERSARY OF THE STATE OF ALABAMA'S ADMITTANCE AS A STATE OF THE UNITED STATES.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes that on December 14, 1819, the territory of Alabama was admitted as a State of the United States of America, and its first Constitution was signed at Constitution Hall in Huntsville, Alabama; and

WHEREAS, this is a significant milestone in our state's history that should be properly celebrated; and

WHEREAS, the Alabama Department of Tourism and Travel should be designated to coordinate the celebration of the 175th Anniversary of the State of Alabama; and

WHEREAS, because of her contributions to the state, Mrs. Marsha Folsom, the First Lady of the State of Alabama should be named as honorary chairperson; now therefore, .

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate 1994 as the official 175th Anniversary of Alabama's admittance as a State of the United States, designate the Alabama Department of Tourism and Travel as the coordinating agency for the observance of this anniversary, and name Mrs. Marsha Folsom as the honorary chair of the event.

Approved January 24, 1994

Time: 4:26 P.M.

Act No. 94-29

H.J.R. 35 – Rep. Hill

HOUSE JOINT RESOLUTION

COMMENDING THOMAS E. TANEY, ON HIS DISTINGUISHED MILITARY CAREER.

WHEREAS, Sergeant First Class Thomas E. Taney of Pelham, Alabama, is a native of Utica, New York, an alumnus of Aquinas Institute and is Operations Non-Commissions Officer of the 314th Press Camp Headquarters, Birmingham, Alabama, where he has been assigned since 1987; and

WHEREAS, as a member of the United States Army (1961-1994), Thomas E. Taney has had a distinguished military career of 25 years, retiring as Operations Non-Commissions Officer, 314th Public Affairs Detachment, Press Camp Headquarters, Birmingham, Alabama; and

WHEREAS, during his Army career, he has served in overseas assignments in Saudi Arabia as First Sergeant, in the Republic of China as Supervisor of Microwave Communications, in the Republic of Germany as a Maintenance Chief, and in other major assignments which have included Fort Campbell, Kentucky, as an Airborne Rifleman, and Fort Hunter Liggett, California, as First Sergeant; and

WHEREAS, Thomas E. Taney has many civilian honorariums including Lieutenant Colonel Aid-de-Camp to the Governor of Alabama and Lieutenant Colonel Aid-de-Camp for both the Army and Navy of the State of Georgia Militia; and

WHEREAS, Thomas E. Taney, among numerous awards and citations, is the recipient of the Army Achievement Medal, Good Conduct Medal with 5 Knots, National Defense Medal with Bronze Service Star, Southwest Asia Service Medal with Bronze Service Star, Armed Forces Reserve Medal, Meritorious Service Ribbon, Non-Commissioned Officer Development Ribbon with 3 Devises, Overseas Service Ribbon, Army Reserve Components Overseas Training Ribbon, Parachute Badge and Gold Recruiters Badge with 3 Sapphire Stars; and

WHEREAS, Thomas E. Taney has served faithfully to the Alabama Officers and Non-Commissioned Officers during his military career, and also provided outstanding leadership and counsel to the Alabama soldiers under his command as attested by Sergeant Major James P. Maddox, a citizen of the State of Alabama for 55 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Thomas E. Taney of Pelham, Alabama, on his outstanding career of 25 years with the United States Army, and do further direct that he receive a copy of this resolution, executed in highest regard and in recognition of loyal and distinguished service to his country.

Approved January 24, 1994

Time: 4:27 P.M.

Act No. 94-30

H.J.R. 37 – Reps. Turnham, McDaniel, Butler,
Carothers, Johnson, Flowers,
Hammett, Venable, Powell,
Smith (C), Hill, Knight (A), Page,
Hooper

HOUSE JOINT RESOLUTION

INVITING COACH TERRY BOWDEN TO ADDRESS A
JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Auburn University Head Coach Terry Bowden is hereby most respectfully requested to appear before a joint session of the Alabama Legislature, at a time and date to be set at the earliest convenience of Coach Bowden.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives, by copy of this resolution, shall advise Coach Bowden of this invitation and of our hopeful anticipation of his acceptance.

Approved January 24, 1994

Time: 4:28 P.M.

Act No. 94-31

H.J.R. 38 – Rep. Morton

HOUSE JOINT RESOLUTION

COMMENDING COACH BOBBY BOWDEN OF FLORIDA STATE UNIVERSITY.

WHEREAS, The Alabama Legislature, in highest commendation, proudly recognizes Alabama native Coach Bobby Bowden of Florida State University on his recent 1993 National Football Championship; and

WHEREAS, Coach Bowden, in his 28th season as a head coach with a phenomenal record of achievements and honors to his credit, captured the championship title in the Orange Bowl in Miami on New Years Day; and

WHEREAS, in a dramatic, heart-stopping finish, Coach Bowden's Florida State Seminoles defeated the Nebraska Cornhuskers 18-16, to be selected Number One in the nation by both major football polls; and

WHEREAS, a native of Birmingham, Alabama, Coach Bowden graduated from Woodlawn High School, attended the University of Alabama, and received his undergraduate degree from Howard College, now Samford University; and

WHEREAS, Coach Bowden, over his illustrious career as a head coach has claimed a total of 239 victories, second only to Joe Paterno among active coaches, which include 31 at Samford, his alma mater, (1959-1962), 42 at West Virginia (1970-1975), and 166 since 1976 at Florida State; and

WHEREAS, his successes and achievements in the record books and over the past 18 years at Florida State are legendary, to many, exceeded only by his character as a man and influence and impact on the lives of countless young men who have come under his guardianship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Coach Bobby Bowden of Florida State University

on the 1993 National Football Championship, and direct that he receive a copy of this resolution as an expression of our highest tribute and regard.

Approved January 24, 1994

Time: 4:29 P.M.

Act No. 94-32

H.J.R. 39 – Rep. McClain

HOUSE JOINT RESOLUTION

COMMENDING MAYOR LARRY LANGFORD OF FAIRFIELD, ALABAMA, FOR DISTINGUISHED COMMUNITY LEADERSHIP.

WHEREAS, the Alabama Legislature, in consensus of commendation, herein recognizes Mayor Larry Langford of Fairfield, Alabama, as a recipient of the Federal Bureau of Investigation Director's Community Leadership Award for 1993; and

WHEREAS, as one of only 56 recipients nationwide, and the only mayor in the county to receive the prestigious award this year, Mayor Langford was honored for his dedicated efforts in preventing drug abuse among our nation's youth; and

WHEREAS, the FBI Director's Community Leadership Award was initiated in 1990 for outstanding contributions to the bureau's Drug Demand Reduction Program which began in 1988, and Mayor Langford's selection for this signal honor was based on his work with the Birmingham FBI office in an annual drug education conference, as well as his numerous speeches to schools and various organizations on the dangers of drug abuse and prevention methods to combat substance addiction; and

WHEREAS, further noted was the City of Fairfield's drug-screening test for all municipal employees which is stated by Mayor Langford as exemplifying "the kind of commitment and contributions that can be made by public officials;" now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Mayor Larry Langford, of the City of Fairfield, Alabama, on the national recognition his drug prevention endeavors have received; we further most highly commend his many endeavors in the prevention of drug abuse among our youth, and direct that he receive a copy of this resolution of warmest personal regard.

Approved January 24, 1994

Time: 4:30 P.M.

Act No. 94-33

H.J.R. 40 – Reps. Kennedy, Buskey

HOUSE JOINT RESOLUTION

COMMENDING CURTIS M. FLAKES FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in highest commendation, recognizes Curtis M. Flakes as recipient of an award presented by the Secretary of the Army on November 18, 1993, honoring his outstanding contributions and achievement in Equal Employment Opportunity (EEO); and

WHEREAS, Mr. Flakes, who currently serves as Assistant Chief, Planning and Environmental Division, U. S. Army Corps of Engineers, Mobile District, Mobile, Alabama, has not only served his position ably and effectively, but, at the same time, has provided exemplary leadership, direction, and commitment toward improving opportunities and potential for advancement for women and minorities in the Mobile area; and

WHEREAS, he has established highly effective training and career awareness programs and constantly seeks new ways to motivate and inspire young people to their highest potential; and

WHEREAS, he also continues to actively support Historically Black Colleges and Universities, and his successful model initiatives have led to increased inclusion of these institutions in Federal Government activities; and

WHEREAS, a native of Lafayette, Alabama, Mr. Flakes earned his B.S. degree from Alabama A & M University and a Master's degree from Florida Institute of Technology; and

WHEREAS, over the course of his career, Mr. Flakes served successively as a biology instructor with the St. Lucie County School Board in Ft. Pierce, Florida; as an agricultural commodity grader with the U. S. Department of Agriculture; and with the Corps of Engineers as a biologist, Special Programs Coordinator, and as Chief of the Coastal Environmental Section, before assuming his present position; and

WHEREAS, Mr. Flakes, in addition to career demands and responsibilities, has provided leadership and support in civic and community affairs such as United Way, Leadership Mobile, and as a member of Vestry Episcopal Church of the Good Shepherd; and

WHEREAS, over the years, Mr. Flakes has been the recipient of numerous accolades and awards honoring his accomplishments, including letters of commendation, exceptional performance ratings, and sustained superior performance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding contributions and achievement in Equal Opportunity Employment, we hereby commend Curtis M. Flakes of Mobile, Alabama, for whom a copy of this resolution of highest tribute shall be provided.

Approved January 24, 1994

Time: 4:31 P.M.

Act No. 94-34

H.J.R. 41 – Rep. Laird

HOUSE JOINT RESOLUTION

NAMING THE NATIONAL GUARD ARMORY IN ROANOKE, ALABAMA, THE “FORT CHARLES “MANLEY” CLACK ARMORY.”

WHEREAS, First Sergeant Charles Manley Clack entered the Alabama National Guard in 1954 during the construction of the present armory; and

WHEREAS, he served in Company B, First Battalion, 167th Infantry; and

WHEREAS, since that time Sergeant Clack has served in: Company B, Second Battalion, 200th Infantry; Battery A, Second Battalion, 117th Field Artillery; and Detachment 2, 123rd Supply and Service Company; and

WHEREAS, Sergeant Clack became a full-time duty Technical and Administrative Supply Technician in 1966; and

WHEREAS, Clack was promoted to First Sergeant in 1975; and

WHEREAS, First Sergeant Clack currently serves as Administrative Supervisor of the Alabama Military Academy at Fort McClellan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Guard Armory in Roanoke, Alabama, be named the “Charles Manley Clack Armory.”

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to First Sergeant Charles Manley Clack.

Approved January 24, 1994

Time: 4:32 P.M.

Act No. 94-35

H.J.R. 42 – Rep. Laird

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. LILLIE BELL SANDERS CLARK
ON THE OCCASION OF HER 91ST BIRTHDAY.

WHEREAS, it is with heartiest congratulations that the Legislature of Alabama extends best wishes to Mrs. Lillie Bell Sanders Clark of Lanett, Alabama, on the occasion of her 91st birthday, January 31, 1994; and

WHEREAS, Mrs. Clark, one of nine children and born January 31, 1903, to A. D. and Eugenia Sanders, is a native and lifelong resident of Chambers County; she is a devoted and active member of Lanett Baptist Church, and the mother of two children, a son, Robert Clark who is deceased, and a daughter, Mrs. Helen C. Waites; and

WHEREAS, a beloved member of her community, Mrs. Clark is a warm and gracious lady who has led a long and rewarding life and, at the age of 91, maintains her own home, is faithful in attendance and service to her church, and remains keenly interested in community affairs, her family, neighbors, and many friends; and

WHEREAS, the celebration of one's 91st birthday is indeed a momentous event and, most particularly, for such an estimable lady as Mrs. Sanders and one who is so filled with enthusiasm for life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and extend heartfelt congratulations to Mrs. Lillie Bell Sanders Clark of Lanett, Alabama, for whom a copy of this resolution shall be provided, with sincere best wishes for continuing good health and happiness for many more years to come.

Approved January 24, 1994

Time: 4:33 P.M.

Act No. 94-36

H.J.R. 54 – Rep. Knight (J)

HOUSE JOINT RESOLUTION

COMMENDING MRS. DOROTHY POSEY JONES ON THE
OCCASION OF HER RETIREMENT.

WHEREAS, the Alabama Legislature, in consensus of commendation, recognizes Mrs. Dorothy Posey Jones following a long and distinguished career in public education; and

WHEREAS, Mrs. Jones, a graduate of Booker T. Washington High School, attended Alabama State University where she pursued a double major in history and elementary education with a minor in music; and

WHEREAS, she taught grades K-12 in the Montgomery Public School System for some 34 years, the last 17 years of which she served as a Music Specialist at the Loveless Elementary School; and

WHEREAS, Mrs. Jones, an accomplished musician who received her early musical training at the Madeline Abercrombie Albert Piano Studio, and under the instruction of Mr. Abraham Bibb, Mrs. Mildred Greenwood Hall, Dr. Julius Carroll and the renowned Dr. Frederick D. Hall, is retiring following 48 consecutive years of faithful and devoted service to the Music Department at First Baptist Church, first as accompanist for the Youth Choir, and in her retirement position as Director of Music and Church Organist; and

WHEREAS, Mrs. Jones further serves as a member of the Board of Trustees at First Baptist; as pianist and music committee chairperson for the Beta Nu Omega Chapter of Alpha Kappa Alpha Sorority, Inc.; and as a member of the Delta Omicron National Music Fraternity for Women; and

WHEREAS, throughout her long and dedicated career, Mrs. Jones has motivated and inspired her students and choir members with love, encouragement, and an endless enthusiasm for learning, and has received numerous accolades for their outstanding accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and achievement in the field of education, we hereby most highly commend Mrs. Dorothy Posey Jones, for whom a copy of this resolution of sincere regard and best wishes for the future shall be provided.

Approved January 28, 1994

Time: 3:01 P.M.

Act No. 94-37

H.J.R. 50 – Reps. Carns, Sanderson

HOUSE JOINT RESOLUTION

COMMENDING MOUNTAIN BROOK HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, with highest commendation, notes the selection of Mountain Brook High School (MBHS)

of Birmingham, Alabama, as a Blue Ribbon School for the second time in a decade, one of only 35 public high schools in the nation to have been so honored; and

WHEREAS, the prestigious award, presented by the United States Department of Education, is given to honor America's outstanding public and private schools, and for a school to receive the award a second time, it must have demonstrated significant improvement in its educational capability; and

WHEREAS, under the capable leadership of principal, Dr. Tim Norris, the school received the honor due to the initiation of new and innovative programs involving both parent and teacher input regarding the development of school policy, decisions, and management; these recommendations resulted in upgrading available curriculum with the addition of diverse extracurricular activities and numerous advanced placement courses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the students and staff of Mountain Brook High School, and direct that copies of this resolution be forwarded to principal, Dr. Tim Norris, for appropriate presentation and school display.

Approved February 1, 1994

Time: 8:45 A.M.

Act No. 94-38

H.J.R. 53 – Reps. Turnham, Harper

HOUSE JOINT RESOLUTION

COMMENDING DR. E. WAYNE SHELL FOR DISTINGUISHED SERVICE TO AUBURN UNIVERSITY.

WHEREAS, Dr. E. Wayne Shell is retiring January 31, 1994, from his position as Head of the Department of Fisheries and Allied Aquacultures at Auburn University, thus bringing to a close a distinguished career of 37 years that merits widespread public recognition; and

WHEREAS, a native of Chapman in Butler County, Alabama, Dr. Shell received his B.S. and M.S. degrees from Auburn University and, following two years of active duty with the United States Army, entered Cornell University where he was awarded a Ph.D. degree in 1959; and

WHEREAS, in that same year, Dr. Shell was appointed Assistant Professor at Auburn University, Associate Professor in 1965, Professor in 1970, and was named to his retirement capacity in 1973, in which capacity he has administered the International Center of Aquaculture, the foremost freshwater fisheries research center in the world; and

WHEREAS, Dr. Shell, also in this position, has directed the department's fish, aquaculture, and water resource management research program; the departmental undergraduate and graduate teaching programs; managed a departmental budget of more than \$4 million; and, in addition to these responsibilities, has authored several publications, lectured extensively, spoken before various professional groups, participated in aquaculture work in countries around the globe; and has initiated research programs that have led to innumerable advancements in his areas of endeavor; and

WHEREAS, Dr. Shell and his significant contributions of far-reaching impact, have been recognized through the bestowal of many prestigious honors at the state, regional and national levels, and, through unparalleled accomplishment, he has brought great distinction upon himself, Auburn University, and the State of Alabama; and

WHEREAS, Dr. E. Wayne Shell is indeed an individual who is greatly admired and held in highest regard by his peers, and his loyal and dedicated service to Auburn University has been exemplary in every respect; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, we hereby most highly commend Dr. E. Wayne Shell, to whom a copy of this resolution shall be presented, with sincere best wishes for every future happiness and success in life.

Approved February 1, 1994

Time: 8:46 A.M.

Act No. 94-39

H.J.R. 55 – Reps. Ford, Smith (R), Page

HOUSE JOINT RESOLUTION

HONORING THE MISSIONARY SERVANTS OF MOST BLESSED TRINITY.

WHEREAS, in 1925, a hand full of dedicated women known as the Missionary Servants of the Most Blessed Trinity, a Catholic religious order, came to Gadsden to begin a ministry of care, and to staff a small 25-bed hospital which had been purchased by

Mother Boniface, the Mother Superior of the community, and which was renamed Holy Name of Jesus; and

WHEREAS, from these humble beginnings would emerge one of the most advanced medical centers in Northeast Alabama, which enjoys a reputation of excellence, and provides the best in state-of-the-art health care services; and

WHEREAS, this evolution, however, did not come without sacrifice; but the Sisters of Holy Name of Jesus from their early struggle for acceptance through the problems and obstacles encountered through the years, faced each new challenge with faith, courage, and renewed commitment, while time and again placing the needs of the sick and suffering before their own; and

WHEREAS, by 1977, the hospital had grown to a 200-bed facility and, as a result of a 12-year expansion program begun that same year, the small hospital by 1980 had reached an even higher plateau to become known as Holy Name of Jesus Medical Center, and was later renamed Riverview Medical Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to the welfare and well-being of the Gadsden/Etowah County community, and for the tradition and legacy of caring they established, and which continues today, we hereby pay tribute to the Missionary Servants of the Most Blessed Trinity, whose vision and faith became the reality of Riverview Medical Center in Gadsden, Alabama.

Approved February 1, 1994

Time: 8:47 A.M.

Act No. 94-40

H.J.R. 56 – Reprs. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING SUE EMMETT ON THE OCCASION OF HER RETIREMENT, AND FOR THE MANY OUTSTANDING ACCOMPLISHMENTS OF HER TEACHING CAREER.

WHEREAS, herein noted are the many outstanding accomplishments of Sue Emmett during her distinguished career as a teacher for 25 years in assignments at Fairhope Exceptional School, Point Clear School, the Magnolia Springs School, and Foley High School, in Baldwin County, Alabama; and

WHEREAS, Ms. Emmett, who attended Troy State University, received both her B.S. and Master's degrees from the University of South Alabama and, over the course of her tenure, earned the highest regard of her peers, and of the parents of the many special needs students whom she taught, and befriended through the years; and

WHEREAS, Sue Emmett, for the past two and one-half decades, has been a driving force in the challenge of educating the county's special needs children and, through her dedicated efforts, they have indeed excelled, with many becoming productive members of society, while others continue to learn self-sufficiency in other programs; and

WHEREAS, in gratitude for her contributions and many successes in the area of special education, Ms. Emmett has received many honors including Foley High School Nominee for Teacher of the Year (1991), inclusion in Delta Kappa Gamma Honor Society of Women Educators, and the Alabama Spirit of Special Olympics Award (1993); and

WHEREAS, in South Baldwin County, there is the Magnolia Springs School, the Magnolia House in Foley, and the Magnolia Room at Foley High School, all of which are known as "A Special Place for Special Children," and then, there is Sue Emmett, "A Special Teacher for Special Children;" now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of her outstanding and dedicated response to the needs of special needs students in Baldwin County, we hereby most highly commend Sue Emmett, to whom a copy of this resolution shall be presented on February 6, 1994, with warm best wishes for every future success in life.

Approved February 1, 1994

Time: 8:48 A.M.

Act No. 94-41

H.J.R. 61 – Reprs. Cagle, Hogan

HOUSE JOINT RESOLUTION

COMMENDING JAMES MCDANIEL OF NAUVOO, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY LEADERSHIP.

WHEREAS, in consensus of admiration and esteem, the Legislature of Alabama most highly commends James McDaniel of

Nauvoo, Alabama, for outstanding achievement and community leadership; and

WHEREAS, Mr. McDaniel, one of his community's most prominent citizens, is a lifelong coal miner, a highly successful businessman, and is widely known for his influential involvement in political affairs; and

WHEREAS, as an active member of United Mine Workers of America, on both the local and statewide levels, James McDaniel is greatly admired and respected for his strong support of organized labor, and is looked to for leadership by his fellow workers who have great confidence in his ability to protect their interests; and

WHEREAS, Mr. McDaniel, as a successful businessman, is the owner of the Slick Lizard Smokehouse which has become famous throughout Walker County and Alabama, as well as in other states, for its mouth-watering barbecue and other traditional barbecue items on its menu; and

WHEREAS, also active in civic affairs, Mr. McDaniel is a member of the Lions Club and is a staunch supporter of numerous other civic programs and projects that impact favorably upon the good and well-being of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished achievement and leadership, we hereby most highly commend Mr. James McDaniel of Nauvoo, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 1, 1994

Time: 8:49 A.M.

Act No. 94-42

H.J.R. 47 – Reps. Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A),

Hall (L), Hamilton, Hammett,
 Haney, Harper, Harvey,
 Hawkins, Haynes,
 Higginbotham, Hill, Hilliard,
 Hogan, Holladay, Holley,
 Holmes, Hooper, Johnson,
 Kennedy, Knight (A),
 Knight (J), Kvalheim, Laird,
 Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican,
 Morrow, Morton, Newton (C),
 Newton (D), Page, Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole, Powell,
 Rich, Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams,
 Willis, Zoghby

HOUSE JOINT RESOLUTION

HONORING THE LATE THOMAS C. MAHER AND RECOGNIZING HIS DISTINGUISHED PUBLIC SERVICE.

WHEREAS, Thomas C. (Tom) Maher of Wetumpka, Alabama, demonstrated exemplary dedication and ability as a public servant for the citizens of Alabama; and

WHEREAS, Tom began his career of public service in Alabama as the Executive Director of the Neighborhood Improvement Council for the City of Mobile, Alabama, in 1978; and

WHEREAS, from January 1984, Tom served eminently and with great dedication as a Legislative Fiscal Analyst with the Alabama Legislative Fiscal Office until his health necessitated his retirement in November 1993; and

WHEREAS, during that period, Tom, through devotion to duty and with his superior intellect, provided the Alabama Legislature and the citizens of the State of Alabama with professional service of the highest level; and

WHEREAS, Tom's work brought him into contact with officials of both the public and private sectors representing diverse fields,

including law enforcement, the Judiciary, and financial, administrative and informational systems; and

WHEREAS, his contacts with individuals within these sectors grew from simple acquaintances among colleagues to warm, lasting friendships, as it was impossible to resist Tom's wit, his kind manner, and genuine sincerity; and

WHEREAS, Tom was always eager to help others by resolving work-related problems, as well as providing them with encouragement during times of personal adversity, and we hope that he knows how grateful we were for his concern, and how much he inspired us with his dignity; and

WHEREAS, Tom's family life as a faithful, loving husband and as a devoted father, was worthy of emulation by all; and

WHEREAS, Tom unselfishly gave of himself to make government work better in improving the lives of the citizens of the State, and though that service was greatly appreciated, it was largely unrecognized; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That heartfelt appreciation is hereby expressed to the family of Thomas C. Maher for having shared him with those he served and, most especially, those with whom he worked and who loved him as a very special friend.

Approved February 1, 1994

Time: 8:50 A.M.

Act No. 94-43

H.J.R. 63 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, January 20, 1994, they adjourn to meet again on Tuesday, January 25, 1994.

Approved February 1, 1994

Time: 8:51 A.M.

Act No. 94-44

S.J.R. 4 – Senator Lindsey

SENATE JOINT RESOLUTION

DECLARING THAT ALL FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS PERTAINING TO CHOCTAW INDIANS ARE REAFFIRMED AND DECLARING THAT ALL STATE AND COUNTY AGENCIES SHALL BE BOUND BY THOSE FEDERAL AND STATE ACTS AND JUDICIAL DECISIONS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature hereby declares that all federal and state acts and judicial decisions pertaining to the Choctaw Indians within the boundaries of the State of Alabama are reaffirmed.

BE IT FURTHER RESOLVED, That we further declare that all state and county agencies shall be bound and subject to all federal and state acts and judicial decisions pertaining to Choctaw Indians residing within the State of Alabama.

Approved February 1, 1994

Time: 8:55 A.M.

Act No. 94-45

S.J.R. 15 – Senator Floyd

SENATE JOINT RESOLUTION

HONORING JUDI SHEPPARD MISSETT OF CARLSBAD, CALIFORNIA.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Judi Sheppard Missett, founder, president, and chief executive officer of Jazzercise, Inc.; and

WHEREAS, Mrs. Missett, a prominent figure in the development and growth of the aerobic dance industry, is founder of Jazzercise, Inc., a concept she envisioned in 1969 and developed into an international dance company with franchises throughout the U. S. and abroad; and

WHEREAS, over the years, her contributions to the industry have been extraordinary; among these, she has authored a number of fitness books, produced numerous exercise programs, fitness classes, and fitness videos, and hosted industry-wide fitness conventions, symposiums, and trade shows; and

WHEREAS, Mrs. Missett has also provided leadership and support to her profession as a member of countless organizations including the President's Council on Physical Fitness, and special advisor for the California Governor's Council on Physical Fitness and Sports, and has served her community as fundraiser, fitness advocate, and in many other capacities; and

WHEREAS, throughout her career, her accomplishments have been recognized by such honors as the McCredie Award from the Leukemia Society (1993), IDEA Fitness Hall of Fame Award (1992), and Lifetime Achievement Award (1991); and

WHEREAS, Mrs. Missett, received her B. A. degree from Northwestern University in speech, radio, television and dance; performed as a professional dancer; and studied and performed under jazz dance master, Gus Giordano and other dance masters in New York and Chicago; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Judi Sheppard Missett of Carlsbad, California, for whom a copy of this resolution shall be provided.

Approved February 1, 1994

Time: 8:56 A.M.

Act No. 94-46

S.J.R. 16 – Senator B. Smith

SENATE JOINT RESOLUTION

COMMENDING THOMAS MOORE FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of commendation, recognizes Thomas Moore for his outstanding contributions and achievement in the field of space technology; and

WHEREAS, Thomas Moore, a retired U.S. Army engineer and radar expert with Redstone Arsenal in Huntsville, Alabama, was recognized January 25, 1993, at the U.S. Space and Rocket Center in Huntsville, when the U.S. Postal Service unveiled its latest panel of commemorative "space fantasy" stamps; and

WHEREAS, within this display of fantasy, the center stamp in the panel reveals two people flying in space wearing jet vests, an item which, in fact, Mr. Moore developed and tested; and

WHEREAS, Mr. Moore began work on the jet vest while working with Dr. Wernher von Braun's rocket program at White Sands Missile Range in 1946, and first tested the concept in 1952, two years after the rocket team relocated to Huntsville; Mr. Moore served as a member of a select group of scientists at the Massachusetts Institute of Technology prior to joining Dr. von Braun's rocket team at the close of World War II; he later served as one of the highest ranking civilians with the TMDE Support group at Redstone until his retirement several years ago; and

WHEREAS, Mr. Moore is indeed a man of vision, and the technology of his jet vest, which he patented, is incorporated into the manned maneuvering units used by astronauts today; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and for his contributions to the U.S. Space Program, we hereby most highly commend Thomas Moore of Huntsville, Alabama, for whom a copy of this resolution shall be provided.

Approved February 1, 1994

Time: 8:57 A.M.

Act No. 94-47

S.J.R. 11 – Senators Dial, Hill, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

REQUESTING THE SECRETARY OF THE NAVY TO NAME A SHIP IN HONOR OF CONGRESSMAN WILLIAM F. NICHOLS.

WHEREAS, William Flynt Nichols, a beloved son of Alabama, was reared and educated in Sylacauga, and earned B.S. and M.S. degrees from Auburn University; and

WHEREAS, a veteran of World War II, Bill Nichols was a gallant and courageous soldier who lost a leg in the minefields of Germany and was awarded the Purple Heart, the Bronze Star, and other commendations; and

WHEREAS, in 1966, after a distinguished career in the Legislature of Alabama, Mr. Nichols was elected to the United States House of Representatives, where he remained through successive reelections until his death; and

WHEREAS, Congressman Nichols, throughout his exemplary tenure in Congress, worked tirelessly for a strong national defense and was a champion of our military personnel; and

WHEREAS, Congressman Nichols, a ranking member of the House Armed Services Committee and the chairman of its Investigations Subcommittee, was the House sponsor of the Goldwater-Nichols Department of Defense Reorganization Act of 1986; and

WHEREAS, as a principal architect of this statute, Congressman Nichols contributed to the reorganization of the Joint Chiefs of Staff, specifying that only the chairman would be the principal military adviser to the President, the National Security Council, and the Secretary of Defense; and

WHEREAS, the Goldwater-Nichols Act streamlined the chain of military command, prescribed a clear military operational scheme, and ensured that military decisions were based on what was best for our entire nation; and

WHEREAS, the importance of this legislation was clearly shown during Operation Desert Storm, during which the chairman of the Joint Chiefs of Staff was empowered to advise the Commander-in-Chief, as the principal military adviser, regarding cross service responsibilities, such as airlifts, sealifts, and supply operations, in a manner that was in the best interest of all military branches; and

WHEREAS, it is highly proper that the United States Navy recognize the paramount and continuing contributions made by Congressman William Nichols to the national defense of the United States in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. John H. Dalton, Secretary of the United States Navy, is respectfully requested to take all necessary action in order to name a ship in the United States Navy in honor of Congressman William F. Nichols.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the Secretary of Defense, the Secretary of the Navy, and to each member of the United States Congress representing Alabama so that they may know of our sentiments.

Approved February 1, 1994

Time: 8:58 A.M.

Act No. 94-48

S.J.R. 13 – Senator Escott-Russell

SENATE JOINT RESOLUTION

TO EXTEND THE TIME TO REPORT ACT 93-735 CONCERNING MASS TRANSIT

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee to Study Mass Transit be allowed to extend the time for said committee to report until the fifteenth legislative day of the Regular Session of 1994.

Approved February 1, 1994

Time: 8:59 A.M.

Act No. 94-49

S.J.R. 14 – Senator Denton

SENATE JOINT RESOLUTION

RECOGNIZING AND DESIGNATING FAME STUDIO IN MUSCLE SHOALS AS ALABAMA'S FIRST MUSIC RECORDING STUDIO, AND URGING THE ALABAMA HISTORICAL COMMISSION TO ASSIST IN HAVING FAME STUDIOS NOMINATED AS A NATIONAL LANDMARK.

WHEREAS, in 1958, Rick Hall founded Florence Alabama Music Enterprises, FAME Studios in the Muscle Shoals area, the first professional music recording facility in Alabama; and

WHEREAS, from these humble beginnings, the music industry in Muscle Shoals has grown into a business producing five million dollars (\$5,000,000) annually, and currently employs 565 artists, songwriters, engineers, and producers; and

WHEREAS, the Muscle Shoals area music recording studios have struggled and prospered in this highly competitive industry including New York, Nashville, Los Angeles, and other locations to become a major force in the industry; and

WHEREAS, in 1961, FAME Studios moved to its present location at 603 Avalon Avenue, Muscle Shoals, Alabama; and

WHEREAS, of the approximately 5,000 recordings engineered at FAME, 18 have been ranked as number one hits, 31 have been top five hits, and 45 have been top ten hits; and

WHEREAS, FAME Studios deserves recognition in the history of the state's music recording industry, having become an institution within the industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize and designate FAME Studios at 603 Avalon Avenue, Muscle Shoals, Alabama, as Alabama's First Music Recording Studio, and that we urge the Alabama Historical Commission to assist in having FAME nominated as a national landmark in recognition of its impact on the history of the music recording industry.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Rick Hall of FAME Studios and the Alabama Historical Commission.

Approved February 1, 1994

Time: 9:00 A.M.

Act No. 94-50	S.J.R. 17 – Senators Little, Corbett, Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom
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SENATE JOINT RESOLUTION

DESIGNATING THE G. J. "DUTCH" HIGGINBOTHAM HIGHWAY.

WHEREAS, Representative G. J. "Dutch" Higginbotham has served the people of Alabama in the House of Representatives and in the State Senate in a distinguished and dedicated manner; and

WHEREAS, Representative Higginbotham's legislative acumen, diligence, and hard work have resulted in improved governmental services and facilities for his constituents in House District 80; and

WHEREAS, Dutch Higginbotham played a significant role in the decision to four-lane and improve Highway 280 from Opelika to Phenix City, a public project that will provide increased safety and convenience to the people of East Alabama; and

WHEREAS, it is highly proper that the Legislature of Alabama recognize the earnest efforts of Representative Higginbotham in improving the quality of life of the citizens of Alabama and in particular those residents of House District 80 in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 280 between Opelika and Phenix City shall be named, designated, and forever known as the "G. J. 'Dutch' Higginbotham Highway."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Representative Higginbotham as a memento of this honorary designation by the Legislature of Alabama.

Approved February 1, 1994

Time: 9:01 A.M.

Act No. 94-51

S.J.R. 18 – Senator Sanders

SENATE JOINT RESOLUTION

DESIGNATING 1994 AS PERSONAL HEALTH YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

WHEREAS, each of us must take immediate responsibility for our personal health; and

WHEREAS, we often pursue priorities other than our personal health; and

WHEREAS, our personal health is vital for our individual lives and fundamental to our family health and our community health; and

WHEREAS, every person should eat healthfully, drink healthily, exercise vigorously, get medical attention, and take reasonable preventive health steps; and

WHEREAS, the Legislature desires that every church, organization, and group encourage personal health development; and

WHEREAS, the Legislature finds that a declaration of 1994 as Personal Health Year in Senate District 23 which includes Choctaw, Dallas, Greene, Hale, Lowndes, Perry, Sumter, and Wilcox will foster greater personal health; and

WHEREAS, the Legislature encourages county commissions, municipalities, boards of education, and other government agencies in District 23 to declare 1994 as Personal Health Year in Senate District 23; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That 1994 is hereby designated Personal Health Year in Senate District 23, and that a copy of this resolution be provided to each county commission, board of education and municipality in District 23.

Approved February 1, 1994

Time: 9:02 A.M.

Act No. 94-52

S.J.R. 19 – Senator Sanders

SENATE JOINT RESOLUTION

DESIGNATING 1994 AS ANTI-VIOLENCE YEAR IN SENATE DISTRICT 23 WHICH INCLUDES CHOCTAW, DALLAS, GREENE, HALE, LOWNDES, PERRY, SUMTER, AND WILCOX COUNTIES.

WHEREAS, violence is increasing in our communities in Senate District 23 which includes communities in Choctaw, Dallas, Greene, Hale, Lowndes, Perry, Sumter, and Wilcox Counties; and

WHEREAS, this violence is destructive to our communities in many ways; and

WHEREAS, the residents of District 23 must deal with the violence to save our communities from destruction from within; and

WHEREAS, the residents of District 23 often totally depend on law enforcement and governmental agencies to deal with violence in their communities; and

WHEREAS, each resident has a responsibility and duty to assist our government and each other in dealing with violence in our communities; and

WHEREAS, the Legislature desires to assist in the prevention of violence in Senate District 23, by focusing positive attention on methods to stop violence; and

WHEREAS, it is necessary that every individual in District 23 refrain from violence; and

WHEREAS, every church, organization, and group in District 23 should determine and implement ways that residents may individually and collectively help prevent violence in their communities; and

WHEREAS, it is fitting and proper that the Legislature declare 1994 as Anti-Violence Year in Senate District 23; and

WHEREAS, the Legislature urges every county commission, board of education, municipality and governmental agency in Senate District 23, which includes Choctaw, Dallas, Greene, Hale, Lowndes, Perry, Sumter, and Wilcox Counties, to declare 1994 as Anti-Violence Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That 1994 is hereby designated Anti-Violence Year in Senate District 23, and that a copy of this resolution be provided to each county commission, board of education, and municipality in District 23.

Approved February 1, 1994

Time: 9:03 A.M.

Act No. 94-53

H. 238 – Rep. Clark (J)

AN ACT

Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

In addition to any court costs and fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105 of the Constitution of Alabama of 1901, there shall be an additional twenty-five dollar (\$25) fee assessed and taxed as costs on each civil case and an additional fifty dollar (\$50) fee assessed on each criminal case, including traffic cases, filed in the Circuit Court, District Court, or any Municipal Court in Barbour County, as well as a fee not to exceed five dollars (\$5) for the service of all pleadings and other documents in connection with any such action or case. The aforementioned fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Barbour County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail. This amendment shall be self-executing and shall require no enabling legislation.

Section 2. This amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Barbour County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House January 18, 1994

Passed the Senate February 3, 1994

Act No. 94-54

S.J.R. 9 – Senators Corbett, Foshee, Little,
Amari, Bailey, Barron, Bedsole,
Bolling, Campbell,
deGraffenried, Denton, Dial,
Dixon, Ellis, Escott-Russell,

Figures, Floyd, Ghee, Hale, Hill,
Horn, Langford, Lindsey,
Lipscomb, Mitchell, Mitchem,
Owens, Parsons, Sanders,
B. Smith, J. Smith, Underwood,
Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING JOHN ROBERT BOOTHE, JR., FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, John Robert (Bob) Boothe, Jr., a successful businessman and a dedicated public servant, is now a prominent educator who has been involved in education for 27 years; and

WHEREAS, Bob Boothe, Jr., who earned his Bachelor and Master's degrees from Troy State University, was awarded the LL.D. degree from Livingston State University in 1993, and he currently serves as executive assistant to the president of George C. Wallace State Community College in Dothan, a position he has held also at Opelika State Technical College; and

WHEREAS, Dr. Boothe further has served as interim president at Opelika State Technical College and, most recently, at Chattahoochee Valley State Community College (CVCC) in Phenix City, during which tenure he was the driving force behind such outstanding accomplishments as greatly increased enrollment, technical base funding in the amount of \$350 thousand, Emergency Medical Service funding, and affirmation of reaccreditation from the Southern Association of Colleges and Schools, among numerous other achievements realized under his interim leadership; and

WHEREAS, a Methodist and former member of the Board of Directors of Troy First United Methodist Church, Dr. Boothe has extended his leadership and support to include active involvement and positions of leadership in many professional education associations, and civic clubs, including ex-officio service on the Phenix 2000 Board of Directors; the Phenix City/Russell County, Greater Valley Area, Opelika, and Dothan/Houston County Chambers of Commerce; and the East Alabama Child Advocacy Center Task Force, to mention only a few; and

WHEREAS, Dr. Boothe, who is included in such prestigious listings as Personalities of the South, Outstanding Community Leaders of America, and Who's Who in Education, is the former owner of two businesses in Troy, Alabama, and served both as a United States Congressional aide to the late George M. Grant, and as a doorman for the United States House of Representatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional service and distinguished community leadership, we hereby most highly commend Dr. John Robert (Bob) Boothe, Jr., for whom a copy this resolution of regard shall be provided.

Approved February 3, 1994

Time: 2:46 P.M.

Act No. 94-55

S.J.R. 12 – Senators Ellis and Owens

SENATE JOINT RESOLUTION

A RESOLUTION CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY THE REPORT OF THE 1992 COMMISSION ON THE FUTURE OF THE SOUTH AS IT PERTAINS TO THE GOAL OF LEADERSHIP DEVELOPMENT AND SUPPORT.

WHEREAS, the 1992 Commission on the Future of the South, in its landmark report called "Measure by Measure: The South Will Lead the Nation," called for youth and community leadership development and support as critical to Southern economic development and progress; and

WHEREAS, the fourth goal said, "The South will have bold visionary leaders whose concerns are for the greater good of the community" and identified recommended strategies to create youth leadership opportunities, expanded leadership programs in rural and underserved areas and for emerging leaders, and to build and support a leadership network through resource and information sharing and otherwise; and

WHEREAS, in the well-respected report "Halfway Home and a Long Way to Go" the 1986 Commission on the Future of the South also called for states to place an emphasis on youth and community leadership opportunities and support; and

WHEREAS, the Legislature desires to explore ways by which the state, education (including school boards and districts, postsecondary and higher education), local government, business, associations, leadership organizations, non-profit youth leadership programs, economic development and other civic/community groups and other entities might work together to address the needs which may exist in the state related to the Commission report, possibly through a voluntary compact, consortium, or otherwise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

1. There is hereby created a Joint Legislative Committee on Southern Leadership Goals. The committee shall consist of four members of the House of Representatives appointed by the Speaker of the House, and four members of the Senate, appointed by the President of the Senate. They shall designate the co-chairs. The President of the Senate and the Speaker of the House shall jointly appoint a citizen, who shall serve without compensation as a non-voting secretary and resource to the committee.

2. The committee shall study the recommendations related to leadership development and support as made by the 1992 and 1986 Commissions on the Future of the South. It shall make any recommendations it deems necessary to this session of the Legislature with respect to ways and means by which Alabama might address this goal, whether by a voluntary public/private compact, partnership, consortium, or otherwise. Prior to making its recommendation it shall, through its secretary, invite and compile comments and suggestions from various entities in the fields of education, state and local government, business, labor and professions, economic development, non-profit community leadership, youth leadership programs, other civic/community entities, and other interested persons. In its discretion, it may convene an advisory meeting of representatives from the above entities, and may invite, and pay, reasonable expenses of the chairperson of the 1992 or 1986 Commissions on the Future of the South to speak to the committee and to the advisory meeting related to the rationale of the Commission recommendations. The committee shall endeavor to complete its work and make its report, and recommendations if any, at the earliest practicable date in this session, and the committee shall cease to exist on the sine die adjournment of the 1994 Regular Session.

3. The committee may incur expenses, including any reasonable expenses of the invited speaker, costs of mailing and materials related to an advisory meeting, preparation of report(s), and any other reasonable and necessary expenses. The co-chairs of the committee shall approve the reimbursement of any state institution or agency for expenses authorized by them to be incurred on the committee's behalf. The total expenses of the committee shall not exceed \$5,000.

Approved February 3, 1994

Time: 2:47 P.M.

Act No. 94-56 S.J.R. 20 – Senators Dial, Amari, Bailey, Barron,
Bedsole, Bolling, Campbell, Corbett,
deGraffenried, Denton, Dixon, Ellis,
Escott-Russell, Figures, Floyd,

Foshee, Ghee, Hale, Hill, Horn,
Langford, Lindsey, Lipscomb, Little,
Mitchell, Mitchem, Owens, Parsons,
Sanders, B. Smith, J. Smith,
Underwood, Waggoner, Wilson and
Windom

SENATE JOINT RESOLUTION

NAMING HIGHWAY 46 BRIDGE IN CLEBURNE COUNTY THE PERRY A. HAND BRIDGE.

WHEREAS, the Honorable Perry A. Hand served as Alabama's 26th Highway Director from January 1991, to February 1993, during which period he was instrumental in the establishment of the Highway Improvement Program enacted by the Legislature in 1992; and

WHEREAS, prior to becoming Highway Director, Mr. Hand was appointed by former Governor Hunt to the office of Secretary of State, and served an unexpired term from May 1989, to January 1991; from 1983 until 1989, he served with distinction as a member of the Alabama Senate, representing a constituency of Baldwin and Mobile Counties in State Senate District 32; and

WHEREAS, Mr. Hand, a Cleburne County native, received a B.S. degree in civil engineering from Auburn University where he was selected as the "Most Outstanding Civil Engineering Graduate" in 1969, and was founder, president and chairman of the board of Perry Hand Associates, Inc., a consulting engineering firm, from 1971-1991; and

WHEREAS, during the past 22 years, Perry Hand has distinguished himself as a highly successful professional engineer and businessman, and one of our state's most dedicated public servants as a State Senator, Secretary of State, and Director of the Alabama Highway Department, a record of service and achievement that can be matched by very few individuals; and

WHEREAS, we further note that Mr. Hand's contributions to his profession, the business community, and state have been previously recognized through the bestowal of a number of awards and honors, while the leadership he has provided in these areas is reflected also in the offices of trust he has held in many professional associations and societies, at both state and national levels, as well as numerous and responsible committee assignments as a member of the Senate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation of outstanding services to the engineering profession and

the State of Alabama, that the new Highway 46 bridge over the Tallapoosa River in Cleburne County be named the "Perry A. Hand" bridge; and that the appropriate Department of Transportation officials are directed to place appropriate signs or markers to identify the bridge.

RESOLVED FURTHER, That a copy of this resolution be sent to our esteemed former colleague.

Approved February 3, 1994

Time: 2:48 P.M.

Act No. 94-57

S.J.R. 21 – Senator Owens

SENATE JOINT RESOLUTION

COMMENDING SHERYL PECH OF PRATTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in a desire to recognize young Alabamians of outstanding achievement, notes the numerous and notable accomplishments of Sheryl Pech of Prattville, Alabama, a senior at Auburn University in Montgomery (AUM) where she is pursuing a degree with a double major in both Early Childhood and Elementary Education; and

WHEREAS, the 22-year-old daughter of Mr. and Mrs. James Pech, Sheryl is a member and vice president of Delta Zeta Sorority which she has previously served in a number of leadership capacities; she further is AUM Baseball M.V.P., serving as Baseball Hostess, and, as a Peer Leader, assists with AUM's Orientation; and

WHEREAS, Miss Pech, who also is a Student Government Association Justice, served as AUM 1993 Homecoming Queen, is the recipient of Delta Zeta Sorority's statewide Province Spirit Award, and is a member of Prattville United Methodist Church and the Autauga County Auburn Club; and

WHEREAS, in addition, however, to her school-related and community leadership activities, Miss Pech, following a June 1993 interview, was selected by Health Right for its Speak Out America Program, which was initiated to solicit reactions, nationwide, to President Clinton's health care package; as Alabama's representative, she has been invited to participate in Health Care's People's Lobby to Congress and, on behalf of college students in Alabama,

to voice her views on the nation's health care system, and what needs to be done to improve it; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as Alabama's representative in the People's Lobby to Congress, we hereby commend Sheryl Pech of Prattville, Alabama, for whom a copy of this resolution of highest personal regard shall be provided.

Approved February 3, 1994

Time: 2:49 P.M.

Act No. 94-58

S.J.R. 23 – Senator Figures

SENATE JOINT RESOLUTION

COMMENDING THE REVEREND CLARENCE J. COOKE, SR., OF MOBILE, ALABAMA.

WHEREAS, it is with great pleasure that the Legislature of Alabama expresses congratulations and highest commendation of the Reverend Clarence J. Cooke, Sr., on the occasion of his installation on January 31, 1994, as president of the Mobile (and vicinity) Inter-Denominational Ministerial Alliance; and

WHEREAS, the Reverend Cooke, who entered the ministry in 1981, has since pastored five churches, including his current pastorate at Ebenezer AME Zion Church, where he continues his commitment to faithful service in the Lord, and his unceasing endeavors to lead others to Christ that they may know the Risen Lord as their personal Savior and who, through the redemption of their sins, is the giver of eternal life; and

WHEREAS, a former employee of the United States Postal Service where he served 33 years as a carrier, clerk, and in a number of supervisory positions, Reverend Cooke also served for four years as postmaster of the University of South Alabama Post Office; and

WHEREAS, additionally, he served 18-1/2 years in the military, including active and reserve duty, and, while on active and reserve status, was Commanding Officer of the 498th Trans Co (TS) which was called to active duty in 1961, and was recognized by the Secretary of Defense as the "Best Company" of those recalled to active duty; Mr. Cooke, as Commanding Officer, was

awarded the Army Commendation Medal for outstanding leadership and, upon returning to reserve status, became the first black Commanding Officer to command an integrated unit in the 3rd Army area, which included Mobile; and

WHEREAS, also to the credit of Clarence J. Cooke, Sr., and a testimony to his leadership ability, was his organization and service as president, from its establishment to the present, of the Harmon Recreation Center Council, and his instrumental role in successfully securing the building that now houses the Harmon Recreation Center in the Maysville area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service, leadership and achievement, we hereby commend the Reverend Clarence J. Cooke, Sr., whom we hold in highest regard, and to whom a copy of this resolution shall be presented upon his installation as President of the Mobile Inter-Denominational Ministerial Alliance.

Approved February 3, 1994

Time: 2:45 P.M.

Act No. 94-59

S.J.R. 25 – Senators Campbell, Owens, Foshee, Lindsey, Dial, Denton, Amari, Bailey, Barron, Bedsole, Bolling, Corbett, deGraffenried, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lipscomb, Little, Mitchell, Mitchem, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

DESIGNATING THE NEW BRIDGE OVER THE TENNESSEE RIVER BETWEEN MORGAN AND LIMESTONE COUNTIES AS "THE CAPTAIN WILLIAM JAMES HUDSON MEMORIAL BRIDGE."

WHEREAS, Captain William James Hudson was born in DeKalb County, Alabama, October 10, 1886, and migrated with his family to Decatur, Alabama, near the turn of the century; and

WHEREAS, from his early boyhood, Captain Hudson's life revolved around the Tennessee River and, as a young lad, he earned spending money by carrying buckets of drinking water to the carpenters who built the wooden barges and tow boats; and

WHEREAS, Captain Hudson's love of the river continued to evolve and, as a young man, he was licensed by the United States Coast Guard as a Merchant Marine Officer and Master of Steam and/or Motor Vessels; and

WHEREAS, Captain Hudson was the first person to pilot a tug boat through the draw of the Keller Memorial Bridge and, over his career, he piloted over twenty-eight tug boats and also served as the overseer of the first tug boats owned by the Tennessee Valley Authority; and

WHEREAS, Captain Hudson's biography was admitted to the official archives of The National Rivers Hall of Fame in Dubuque, Iowa, and the legend of "Steamboat Bill" continues to live in the minds of those who knew him in life and maintain his memory in their hearts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new bridge which is located on the Tennessee River between Morgan and Limestone Counties be named "The Captain William James Hudson Memorial Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Anita Hudson Burleson, granddaughter of Captain William James Hudson, as a memento of this honorary designation.

RESOLVED FURTHER, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating the "Captain William James Hudson Memorial Bridge," and that the State Department of Transportation be sent a copy of this resolution.

Approved February 3, 1994

Time: 2:50 P.M.

Act No. 94-60

H.J.R. 65 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

HONORING DR. HOLLIS WISEMAN ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Dr. Hollis Wiseman who retired,

December 1, 1993, following a long and distinguished career as director of the Neonatal Intensive Care Unit at the University of South Alabama Medical Center; and

WHEREAS, Dr. Wiseman, widely acclaimed as Mobile's "grandfather of neonatology," and a compassionate and unassuming man, is credited with saving the lives of thousands of critically ill premature babies over the years; and

WHEREAS, early in his career, the tiny premature baby weighing less than 2 pounds, 3 ounces, almost never survived; however, with the neonatal revolution of the 1960's and the introduction of IV's and ventilators suitable for babies, more than 95% survived, and even those weighing as little as 1 pound, 2 ounces, were also being saved; and

WHEREAS, in 1967, Dr. Wiseman established and developed the 37-station Neonatal Intensive Care Unit at USA which serves a 14-county area, and provides care for as many as 70 neonates at one time; he also established the area's only neonatal transport service whereby countless high risk infants could be transported to the unit from within a 150-mile radius of Mobile; and

WHEREAS, a native of Mobile, and one of only 100 recipients of an International Rotary Fellowship in 1954, Dr. Wiseman practiced at Children's Hospital at the University of Zurich, Switzerland, before returning to Mobile to practice medicine and, on two occasions, to serve as a volunteer with Project Hope in Brazil and Egypt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement and in recognition of outstanding professional achievement and service to the Mobile community and the state, we hereby most highly commend Dr. Hollis Wiseman, for whom a copy of this resolution of sincere regard and best wishes for the future shall be provided.

Approved February 7, 1994

Time: 8:50 A.M.

Act No. 94-61

H.J.R. 66 – Reps. Johnson, Kennedy, McClain

HOUSE JOINT RESOLUTION

HONORING MRS. MARY SUE PORTER HALE FOR DISTINGUISHED SERVICE AND LEADERSHIP.

WHEREAS, the Legislature of Alabama, in a desire to accord due praise to Alabamians of distinction, we hereby commend Mrs. Mary S. Porter Hale of Sylacauga, Alabama, for her longtime service and support of numerous civic, political and religious affairs; and

WHEREAS, Mrs. Hale, a retired teacher with 44 years of service to education in Alabama, currently serves as captain of Precinct 12, which was voted the top precinct of the Alabama Democratic Conference (ADC) in the state; and

WHEREAS, in leadership of said precinct, Mrs. Hale has rendered invaluable support to ADC, and to the local county chapter of T.C.D.C.; and

WHEREAS, Mrs. Hale, in further dedicated involvement, support and service, is also active in political affairs, having served as local campaign manager for the Honorable Glen Browder, Johnny Ford, Dan Cleckler and John Carter, and is vice-chairperson of A.D.C., District 3; and

WHEREAS, in religious activities, Mrs. Hale is a member of Cross Key Missionary Baptist Church in Goodwater, and is state secretary of the Spiritual Singers Association, U.S.A., Inc.; and

WHEREAS, Mrs. Hale is a graduate of Coosa County Training School in College Grove, Alabama, Alabama A&M University in Huntsville, and has studied additionally at Montevallo, Auburn, Florence State, and the University of Alabama; and

WHEREAS, in recognition of outstanding leadership in various areas of concern to the citizens of Alabama, Mrs. Hale has received numerous awards, and it is with great pleasure that the Legislature also pays tribute to her on-going leadership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Mary Sue Porter Hale of Sylacauga, Alabama, and do further direct that she receive a copy of this resolution of sincere warm praise and regard.

Approved February 7, 1994

Time: 8:51 A.M.

TWO-YEAR POSTSECONDARY INSTITUTIONS WHEN A PROGRAM IS DISCONTINUED.

WHEREAS, the Alabama Legislature strongly intends that any appropriation allocated to a state two-year postsecondary institution based on a formula based on credit hours taught is earned by any state two-year postsecondary institution upon the teaching of the credit hours; and

WHEREAS, the Alabama Legislature further intends that in the event a two-year postsecondary institution later discontinues a program for which an allocation was already earned, any appropriation allocation should be available to be redistributed by the institution to any other program or activity at the discretion of the institution; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature expressly declares that it is the intent of the Legislature that any allocation of any appropriation to any two-year postsecondary institution based on a formula for credit hours taught is earned when the credit hours are taught and, in the event the program is later discontinued, any appropriation allocation based on credit hours already taught may be redistributed by the institution to any other program or activity at the institution at the discretion of the institution.

Approved February 7, 1994

Time: 8:52 A.M.

Act No. 94-63

H.J.R. 69 – Reps. Gullatt, Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING THE CENTRAL HIGH RED DEVILS OF PHENIX CITY FOR WINNING THE FIRST STATE FOOTBALL CHAMPIONSHIP IN CENTRAL'S 65-YEAR HISTORY.

WHEREAS, the Central High Red Devils of Phenix City defeated West End High of Birmingham to capture the first State Championship in Central's 65-year history; and

WHEREAS, the Red Devils claimed the Alabama High School Athletic Association Class 6-A State Title with a 12-7 victory over West End High on December 11, 1993, at Birmingham's Legion Field; and

WHEREAS, the State Championship was the first for Central Coach Wayne Trawick, who has spent 21 years of his 33-year coaching career at Central; and

WHEREAS, the Central Red Devils, Coach Trawick and his coaching staff exemplified a "Refuse To Lose" spirit during the 1993 regular season, the Class 6-A Playoffs, and the State Championship game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate the Central Red Devils, Coach Trawick and his coaching staff for winning the Alabama High School Athletic Association Class 6-A State Title.

BE IT FURTHER RESOLVED, That the Central Red Devils receive a copy of this resolution that they may know of our admiration for their achievement, and of our best wishes for every future success.

Approved February 7, 1994

Time: 8:53 A.M.

Act No. 94-64

H.J.R. 70 – Reps. Gullatt, Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING CENTRAL HIGH COACH WAYNE TRAWICK ON WINNING THE ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 6-A STATE CHAMPIONSHIP.

WHEREAS, Coach Wayne Trawick has enjoyed a long and successful coaching career at Central High School of Phenix City, and coached the Central Red Devils to their first Alabama High School Athletic Association Class 6-A State Title in the school's 65-year history; and

WHEREAS, the State Championship also is the first for Coach Trawick after 33 years of coaching, the last 21 years at Central High School; and

WHEREAS, Coach Trawick inspired a "Winning Attitude" in the Red Devils and his coaching staff in advance of the State Championship game and their 12-7 victory over West End High of Birmingham on December 11, 1993, at Legion Field; and

WHEREAS, Coach Wayne Trawick is an exemplary role model for the players, coaches, faculty and students at Central High School, and the people of the City of Phenix City; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate Coach Wayne Trawick for winning the Alabama High School Athletic Association Class 6-A State Title, and for his dedication and commitment to Central High School the last 21 years.

BE IT FURTHER RESOLVED, That Coach Trawick receive a copy of this resolution that he may know of our sincere esteem and our warm best wishes for every future success.

Approved February 7, 1994

Time: 8:54 A.M.

Act No. 94-65

H.J.R. 71 – Rep. Richardson

HOUSE JOINT RESOLUTION

COMMENDING MEAD CONTAINERBOARD'S STEVENSON MILL.

WHEREAS, Mead Containerboard's Stevenson Mill has been providing employment to over 300 employees since 1975 with no work stoppage; and

WHEREAS, ninety percent of the Stevenson Mill employees reside in Jackson County; and

WHEREAS, Mead Containerboard Division's total impact on the economies of Alabama, Georgia, and Tennessee is estimated to support approximately 1,500 jobs of which 763 are held by Alabamians; and

WHEREAS, the total impact of Mead Containerboard on incomes of all kinds in Jackson County totaled \$31 million in 1992; and

WHEREAS, Mead Containerboard's Stevenson Mill has received registration under the International Standards Organization's (ISO) 9002 Quality System Standard, making it the first paper mill in The Mead Corporation to receive ISO Registration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby publicly recognize and gratefully acknowledge Mead Containerboard's Stevenson Mill's outstanding operation, and the significant impact upon the economies of Jackson County and the State of Alabama by the Stevenson Mill and Mead Containerboard Division.

BE IT FURTHER RESOLVED, That a copy of this resolution be prepared for appropriate presentation to Mead Container-board's Stevenson Mill.

Approved February 7, 1994

Time: 8:55 A.M.

Act No. 94-66

H.J.R. 74 – Rep. Hawkins

HOUSE JOINT RESOLUTION

COMMENDING MRS. EDNA EARL GOODWIN ON THE OCCASION OF HER RETIREMENT.

WHEREAS, Mrs. Edna Earl Lee Goodwin, was born and grew up in Shelby County and graduated from Thompson High School; and

WHEREAS, Mrs. Goodwin was a long-time employee of the United Mines Workers of America, serving capably and conscientiously for twenty-four years; and

WHEREAS, since 1980 Mrs. Goodwin has worked with Alabama Power Company in its governmental relations department where she has earned the trust and admiration of those who know her, coworkers and others, alike; and

WHEREAS, Mrs. Goodwin has met her numerous and varied responsibilities at work with initiative and loyalty, at the same time displaying humor and personal concern for others through her many gestures of kindness, and

WHEREAS, throughout her career and despite personal sacrifice, her absolute and unselfish devotion to her family have never faltered,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we send Mrs. Goodwin our warmest wishes for success and happiness in her retirement; we further direct that Mrs. Goodwin be presented with a copy of this resolution as an expression of our esteem on the occasion of her retirement.

Approved February 7, 1994

Time: 8:56 A.M.

Act No. 94-67

H.J.R. 75 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING THE INGE FAMILY FOR ITS MANY CONTRIBUTIONS TO THE STATE OF ALABAMA.

WHEREAS, the Alabama Legislature acknowledges the numerous contributions of the Inge family to the history of the State of Alabama; and

WHEREAS, throughout the development of the state, countless members of the Inge family have distinguished themselves in the fields of medicine, law, agriculture, and education; and

WHEREAS, Richard Inge served in the American Revolution and was an early pioneer citizen and planter from the Tuscaloosa area where he served in the Alabama House of Representatives in 1825; and

WHEREAS, his son, William Marshall Inge, was educated in North Carolina, and served as a Jacksonian Democrat in the United States Congress representing the State of Tennessee with such men of honor and dignity as Davy Crockett and James K. Polk; and

WHEREAS, William Marshall Inge moved to Alabama where he practiced law, and like his father, served in the Alabama House of Representatives in 1840 representing Greene County; and

WHEREAS, the Inge family has contributed both personally and professionally to the enrichment of our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Inge family for their outstanding contributions to the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mrs. Sally Roach Janke, great-great granddaughter of William Marshall Inge.

Approved February 7, 1994

Time: 8:57 A.M.

Act No. 94-68

H.J.R. 84 – Rep. Knight (J)

HOUSE JOINT RESOLUTION

HONORING ROBERT D. NESBITT, SR., THE 1993 MONTGOMERY ADVERTISER CITIZEN OF THE YEAR.

WHEREAS, Robert D. Nesbitt, Sr., has been named the 1993 Montgomery Advertiser Citizen of the Year; and

WHEREAS, Mr. Nesbitt is an 85-year-old retired insurance executive, high-ranking Mason, officer and tireless supporter of Montgomery's YMCA, a civil rights activist, a husband, father, grandfather and great-grandfather; and

WHEREAS, Mr. Nesbitt is responsible for bringing the late Reverend Dr. Martin Luther King, Jr., to Montgomery to pastor the Dexter Avenue Baptist Church in 1954; and

WHEREAS, Mr. Nesbitt served as a chief lieutenant during the Montgomery Bus Boycott, led by the Reverend Dr. King; and

WHEREAS, Mr. Nesbitt is a senior Deacon at the Dexter Avenue King Memorial Baptist Church, and he continues to serve actively the church he has held membership in for at least 70 years; and

WHEREAS, Mr. Nesbitt was the first black man to be named YMCA Man of the Year, the first black appointed to the Alabama Commission on Higher Education, and the first black appointed to the Montgomery City-County Personnel Board; and

WHEREAS, Mr. Nesbitt has spent the majority of his life helping others — from poor children, to the workers in the Civil Rights Movement, to the Reverend Dr. Martin Luther King, Jr., when the slain Civil Rights hero was falsely accused of income tax violation charges — and he continues to make substantial contributions to the betterment of life of all citizens of Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and achievements on behalf of the community, and in commendation of his selection as the 1993 Montgomery Advertiser Citizen of the Year, we hereby pay tribute to Robert D. Nesbitt, Sr., of Montgomery, Alabama, for whom a copy of this resolution shall be provided.

Approved February 7, 1994

Time: 8:58 A.M.

Act No. 94-69

H.J.R. 85 – Rep. Knight (J)

HOUSE JOINT RESOLUTION

COMMENDING DAVID ENNIS MCCORVEY, THE 1993 MONTGOMERY ADVERTISER HUMANITARIAN OF THE YEAR.

WHEREAS, David Ennis McCorvey is the winner of the Montgomery Advertiser's Humanitarian of the Year award for 1993; and

WHEREAS, this award was presented at the First Baptist Church on North Ripley Street on January 9, 1994; and

WHEREAS, Mr. McCorvey is a member of the Board of Deacons for the First Baptist Church; and

WHEREAS, Mr. McCorvey was nominated for the award by his son Everett McCorvey, an opera singer; and

WHEREAS, Mr. McCorvey has worked for many years with the sick, the elderly, and the homebound; and

WHEREAS, the retired postal clerk grew up in Monroeville, Alabama, but has significantly impacted on the city of Montgomery, where he was one of the pioneers of the First Baptist Church's meals program; and

WHEREAS, this meals program has grown from servicing 26 homes in 1986 to 500 homes in 1994; and

WHEREAS, Mr. McCorvey brings sick and elderly members of First Baptist to the church on Tuesdays for services; and

WHEREAS, the Humanitarian Award was first presented in 1987, and with the presentation of the 1993 award, Mr. McCorvey joins a group of selfless individuals dedicated to the improvement of society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus with the Montgomery Advertiser and its selection of David Ennis McCorvey as Humanitarian of the Year, 1993, we hereby commend Mr. McCorvey, and direct that he receive a copy of this resolution of sincere praise and highest personal regard.

Approved February 7, 1994

Time: 8:59 A.M.

Act No. 94-70

H.J.R. 86 – Rep. Sanderson

HOUSE JOINT RESOLUTION

HONORING ALABAMA'S "SMOKE-FREE CLASS OF 2000."

WHEREAS, tobacco, which researchers say will take the lives of more of America's young people than all other drugs combined,

is the most prevalent drug, other than alcohol, used during adolescence; and

WHEREAS, regular daily smoking usually begins in grades six through nine, among children aged 11 to 14, and it is estimated that some 3000 children start smoking every day; and

WHEREAS, smoking is the single largest preventable cause of disease and death in the United States and each year approximately 434,000 people who smoke die from smoking-related diseases; in addition, an estimated 40,000-52,000 die each year from environmental tobacco smoke; and

WHEREAS, former U. S. Surgeon General C. Everett Koop in 1988 challenged all sectors of the American public to join in making the high school graduating class of the year 2000 the first smoke-free generation in our history; and

WHEREAS, the American Cancer Society, the American Heart Association, and the American Lung Association have risen to this challenge by creating "The Smoke-Free Class of 2000" project, a joint 12-year tobacco-awareness campaign for children who will graduate from school in the year 2000, their parents and their teachers; and

WHEREAS, many children throughout Alabama have become enrolled in the Smoke-Free Class of 2000; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with highest commendation Alabama's "Smoke-Free Class of 2000," and would further urge that all citizens of the state join our children in observing this occasion, and in support of this project of the American Cancer Society, American Heart Association and the American Lung Association.

Approved February 7, 1994

Time: 9:00 A.M.

Act No. 94-71

H.J.R. 87 – Rep. Haynes

HOUSE JOINT RESOLUTION

COMMENDING SERGEANT ROBERT L. HAYNES FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Alabama Legislature, in highest commendation, recognizes Sergeant Robert (Bobby) L. Haynes who is retiring

February 1, 1994, following 30 years of distinguished service as an Alabama State Trooper with the Department of Public Safety; and

WHEREAS, Sergeant Haynes, a native of Talladega, Alabama, joined the Highway patrol as a cadet in Eufaula, Alabama, October of 1963, and, for the next three decades served units in Jasper, Lineville, Sylacauga, Roanoke, Gadsden, Talladega, and Jacksonville, progressing through the ranks to sergeant, his position at retirement; he has also served as "court bailiff" and "jailer" for the Talladega races since their inception; and

WHEREAS, over the years, Sergeant Haynes, or "Gorilla" as he is fondly known, has displayed exemplary professionalism and skill in the performance of his duties in his charge to protect the lives of our citizens on the roads and highways of the state; and

WHEREAS, in tribute, he has received a number of commendations and awards, both from the motoring public and various state officials, including a safe driving commendation from the Department of Public Safety in 1989, and the 1991 Alabama Governor's Traffic Fatalities Reduction Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of outstanding public service, we hereby most highly commend Sergeant Robert L. Haynes of the Alabama Highway Patrol, for whom a copy of this resolution shall be provided with sincere best wishes for every future happiness and success in life.

Approved February 7, 1994

Time: 9:01 A.M.

Act No. 94-72

H.J.R. 88 – Rep. Haynes

HOUSE JOINT RESOLUTION

CONGRATULATING NFL COACH DON SHULA FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize achievement and excellence in various fields of endeavor, the Legislature of Alabama congratulates and most highly commends Coach Don Shula of the Miami Dolphins, whose 325 career victories make him the Winningest Coach in National Football League history; and

WHEREAS, Coach Shula's 325 wins in 31 years with Baltimore and Miami have dethroned Coach George Halas, whose

324 record total was reached in a period of four decades with the Bears, and it also tops that of his nearest competitor among active coaches by 55; and

WHEREAS, Donald Francis Shula, born January 4, 1930, in Grand River, Ohio, and reared in nearby Painesville, was a running back at Cleveland's John Carroll University who, in 1950, gained 125 yards in the Blue Streaks' 21-15 upset of Syracuse; and

WHEREAS, after beginning his pro career in 1951 with the Cleveland Browns, he was to become involved in 1953 in an unprecedented 15-player swap with Baltimore where he was to play four seasons with the Colts, and one season at Washington, before entering the coaching ranks in an assistant's position at the University of Virginia, which was followed by a three-year tenure as defensive coordinator for the NFL's Detroit Lions, before he succeeded Weeb Ewbank as head coach at Baltimore; and

WHEREAS, over the ensuing years, Don Shula advanced steadily toward Winningest Coach honors, establishing such NFL records as: the only coach to lead a team through an undefeated season (1972); more Super Bowls (6) than any coach; the youngest coach to reach the 100, 200, and 300 win marks; the best career winning percentage among the NFL's all-time top ten coaches; and only coach to present two players for induction into the Pro Football Hall of Fame, including many other accomplishments that will, more than likely, never be surpassed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as the NFL's all-time Winningest Coach, and in highest admiration of his remarkable career, we hereby most heartily congratulate Coach Don Shula, for whom a copy of this resolution shall be provided.

Approved February 7, 1994

Time: 9:02 A.M.

Act No. 94-73

H.J.R. 89 – Reps. Mathis, Clark (J), Holley

HOUSE JOINT RESOLUTION

HONORING DISTRICT JUDGE GEORGE A. BLACK OF GENEVA COUNTY FOR DISTINGUISHED SERVICE.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Judge George A. Black who retired January 19,

1993, following 32 years of dedicated service as District Judge of Geneva County; and

WHEREAS, Judge Black, a highly respected member of the community, whose family roots run deep in the political affairs of Geneva County, graduated from Geneva High School, attended Morgan Preparatory College in Pittsburgh, Pennsylvania, and, following service in the United States Army, earned his law degree from the University of Alabama and returned home to practice law; and

WHEREAS, Judge Black was first appointed to the bench in 1961 as Inferior Court Judge, later to be titled District Court Judge, and ran unopposed in six elections to hold the position for more than three decades; and

WHEREAS, a man of noble character and an able jurist, he could be compassionate, or firm and intense in his judgement, but was always just and equitable in his administration of the law; and

WHEREAS, a devoted member of the First Baptist Church, Judge Black is also a member of the Geneva County Bar Association, Veterans of Foreign Wars, American Legion, and the Geneva Quarterback Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of long and dedicated service to our judicial system, the Geneva County community and state, we hereby most highly commend Judge George A. Black, for whom a copy of this resolution shall be provided as an expression of our gratitude and esteem.

Approved February 7, 1994

Time: 9:03 A.M.

Act No. 94-74

H.J.R. 90 – Reps. Mathis, Carothers, Beasley

HOUSE JOINT RESOLUTION

RECOGNIZING DOUG BRADFORD OF THE DOTHAN EAGLE ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, the Alabama Legislature, in consensus of commendation, notes the retirement, December 31, 1993, of Doug Bradford following more than 41 years of dedicated service to The Dothan Eagle; and

WHEREAS, Doug Bradford, a native of Jasper, served in the United States Navy, attended the University of Missouri, earned his degree from the University of Alabama, and came to Dothan in 1952 as a "general assignment" reporter with The Dothan Eagle; and,

WHEREAS, over the next four decades of his career, his name became synonymous with that of The Dothan Eagle, as he served successively as sports editor for 25 years, news editor, managing editor, and editorial page editor, and his integrity, professionalism, leadership and strength of conviction as a journalist, and his character as a man, earned the admiration and respect of his peers and readers alike; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of outstanding professional achievement and service to the Dothan community, we hereby most highly commend Doug Bradford, and direct that he receive a copy of this resolution of sincere regard and best wishes for every future happiness and success in life.

Approved February 7, 1994

Time: 9:04 A.M.

Act No. 94-75

H.J.R. 91 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF M. A. MARSAL OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of M. A. "Bubba" Marsal of Mobile, Alabama, on November 4, 1993; and

WHEREAS, Mr. Marsal, a prominent attorney and a native and lifelong resident of Mobile, was engaged in the practice of law for some 43 years, and was a member of the prestigious law firm of Seale, Marsal, & Seale; and

WHEREAS, he was a graduate of the University of Alabama School of Law, and served in the United States Air Force during World War II; and

WHEREAS, the lamentable death of M. A. Marsal has indeed left an unfathomable void in the life of the Mobile community, and

in the hearts of his beloved family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That grievously mourned is the death of M. A. "Bubba" Marsal of Mobile, Alabama, and deepest sympathy is hereby extended to his wife, Mrs. Ann Fitzgerald Marsal; daughter, Mrs. Patrick A. (Beth) McFarlane; sons, L. A. (Tony) Marsal, J. R. (Ronny) Marsal, and W. A. (Andy) Wing; sister, Mrs. Elliot J. (Margie) Nicholson, Mrs. John D. (Catherine) West, Mrs. John O. (Patricia) Vetter, Mrs. Joyce Marsal Guth, and Mrs. Sharon Ann Bilbo; to his eight grandchildren; and to other family members for whom a copy of this resolution shall be provided.

Approved February 7, 1994

Time: 9:05 A.M.

Act No. 94-76

H.J.R. 92 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

COMMENDING T. KEITH KING OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

WHEREAS, in consensus of commendation, the Alabama Legislature notes the selection of T. Keith King of Mobile as the recipient of the 1992-93 Distinguished Service Award by the National Council of Examiners for Engineering and Surveying (NCEES); and

WHEREAS, this prestigious award, bestowed each year at the NCEES annual meeting, is given to members who have greatly contributed to their state board, to NCEES, and/or to the advancement of professional registration; and

WHEREAS, in meeting or excelling all criteria, it is to be noted that Keith King, P.E., has served seven years on the Alabama Board of Registration for Professional Engineers and Land Surveyors; is currently serving a second term as board chairman, having served two previous terms as vice-chairman and one term as secretary; is in his fourth year on the NCEES Committee on Law Enforcement and his second year on the Committee on Uniform Procedure and Legislative Guidelines; and has served on several other important council committees, as well; and

WHEREAS, further, Mr. King not only makes regular presentations to engineering students and various engineering societies,

but also speaks frequently on the subject of the continuing education program required by the state, and represents the Alabama Board at biannual certificate presentation programs for newly registered engineers; and

WHEREAS, Mr. King, as president and CEO of David Volkert Associates, and in keeping with the firm's professional priorities, has initiated an aggressive in-house program of continuing education, and stresses a 100% registration goal for all its engineers and land surveyors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend T. Keith King of Mobile, Alabama, as the recipient of the NCEES Distinguished Service Award and for distinguished professional achievement, and do further direct that he receive a copy of this resolution of highest personal regard.

Approved February 7, 1994

Time: 9:06 A.M.

Act No. 94-77

H.J.R. 93 – Reps. Gaston, Buskey

HOUSE JOINT RESOLUTION

COMMENDING DORIS A. DORTCH OF MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Doris A. Dortch of Mobile, Alabama, as recipient of the 1993 National Education Association's Educational Support Personnel of the Year Award; and

WHEREAS, Ms. Dortch, who was featured on the cover of the September issue of NEA Today, has faithfully served the Mobile County Public School System for the past 24 years in such capacities as secretary at Frazier School, as a teacher's aid at Hillsdale School, and presently as secretary at the Environmental Studies Center; and

WHEREAS, she currently serves as a member of the Alabama Education Association (AEA) Board of Directors, and has served in other such leadership positions as president of the Education Support Personnel Division of AEA (1992-1993); as president, vice-president, and treasurer of the ESPO Mobile local organization;

and has chaired for the ESPO Caucus at an NEA Representative Assembly; and

WHEREAS, Ms. Dortch is also an active member of Midway Baptist Church and the Hillsdale Area Community Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and achievement, we hereby most highly commend and congratulate Doris A. Dortch, for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 7, 1994

Time: 9:07 A.M.

Act No. 94-78

H.J.R. 94 – Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING DR. LACEY E. POWELL, JR., AS THE 1993 MUSIC EDUCATOR OF THE YEAR.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, notes the selection of Dr. Lacey E. Powell, Jr., of Mobile, Alabama, as the 1993 Music Educator of the Year; and

WHEREAS, bestowed by the Alabama Music Association, the award recognizes significant contributions toward initiating or enhancing music education at the local, regional, state or national levels; and

WHEREAS, Dr. Powell earned his B.S. degree from Troy State University, Master's degree from Vandercook College and a Ph.D. from the University of Alabama, and served as music supervisor for the Mobile County public schools before assuming his position as the first Director of Bands at the University of South Alabama in 1965; he further served as Director for the Spirit of Mobile Marching 200 Band in 1976; and

WHEREAS, over the course of his career, Dr. Powell has served in leadership positions with numerous professional organizations including the Alabama Music Educators Association, the Alabama Bandmasters Association and the American School Band Directors' Association, among others; and

WHEREAS, he has been published in *Ala Breve*, *The Instrumentalist*, *Music Educators Journal*, and *School Musician*—

Director, and his notable accomplishments have been distinguished by such honors and awards as Outstanding Educator of the Year (1971), Troy State University Alumnus of the Year (1993), and the first annual Outstanding Music Educators Award at Troy State University (1992); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions in music education, highest commendation is hereby accorded Dr. Lacey E. Powell, Jr., for whom a copy of this resolution shall be provided.

Approved February 7, 1994

Time: 9:08 A.M.

Act No. 94-79

H.J.R. 95 – Reps. Gaston, Kvalheim

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF KENNETH CHARLES LAMBERT OF MOBILE, ALABAMA.

WHEREAS, it is with a deep sense of sorrow and regret that the Legislature of Alabama records the untimely death of Kenneth Charles Lambert of Mobile, Alabama, on September 25, 1993, at the age of just 59 years; and

WHEREAS, born in Atmore, Alabama, on January 11, 1934, Mr. Lambert graduated from Mobile's Murphy High School, received a Bachelor of Science degree in commerce and business administration from the University of Alabama (1960), and was awarded a Master's degree in business administration from the University of Southern Mississippi (1973); and

WHEREAS, Mr. Lambert, who rendered invaluable service to the Mobile County Public School System for more than three decades (1960-1993), held successive positions as Supervisor of Purchasing, Director of Purchasing and, in final capacity, Treasurer-Comptroller for the system; and

WHEREAS, he was a member of the Forest Hill United Methodist Church, Phi Delta Kappa, and the Alabama Council for School Administrators and Supervisors; he also served twice as president of the Alabama Association of School Business Officials, was a past president of the Alabama Association of School Office Personnel, and had served on the Board of Directors of the Southeastern Association of School Business Officials, among other professional and civic leadership roles; and

WHEREAS, Mr. Lambert's lamentable death has indeed left an unfathomable void in the life of the community, and in the hearts of his beloved family, many friends, and associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Kenneth Charles Lambert of Mobile, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Carolyn Galloway Lambert, to his son and daughter, Dr. Kenneth Charles Lambert, Jr., and Mrs. Michael David (Karen Lynn) Rodriguez; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

Approved February 7, 1994

Time: 9:09 A.M.

Act No. 94-80

H.J.R. 98 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING PAUL CRANE ON HIS INDUCTION INTO THE ALABAMA SPORTS HALL OF FAME.

WHEREAS, the Alabama Sports Hall of Fame was established for the primary purpose of recognizing those Alabamians who have made outstanding contributions to sports in Alabama, or elsewhere, through achievement or service; and

WHEREAS, among the outstanding sports dignitaries selected for induction into the 1994 Alabama Sports Hall of Fame is Paul Crane, head football coach and athletic director at McGill Toolen High School, Mobile, and a former All-American (1965) linebacker for the University of Alabama under Coach Paul "Bear" Bryant; and

WHEREAS, Paul Crane, a three-year starter and a member of the Crimson Tide's 1964 and 1965 National Championship teams, was selected Southeastern Conference Lineman of the Year in 1965; was a captain on the 1965 National Championship team, and was a member of the team of the decade for the 1960's, among numerous other outstanding honors; and

WHEREAS, as a player for the NFL's New York Jets (1966-1973), Paul Crane made his mark in pro football— as he had during his collegiate career at Bama, and as a prep star at Vigor High School—and was a teammate of Joe Namath's on the 1969 Super Bowl Championship team; and

WHEREAS, Paul Crane, also during his sports career, served as linebacker coach at Alabama under Coach Bryant, and defensive coordinator at the University of Mississippi; and

WHEREAS, although the majority of his outside activities have revolved around sports, Paul Crane has always given generously of his time and talent in support of many worthy causes, including the Arthritis Foundation, which honored him with its Distinguished Service Award; Catholic Youth Organization of Mobile, as executive director for the past eight years; Volunteers of America Sports Camp for Youth; Explorers Olympics, Black Warrior Council (Chairman, 1973); the board of Mobile Sports Hall of Fame, and the Senior Bowl Committee, among other positions of leadership; and

WHEREAS, Paul Crane is indeed a man of exemplary character, a dedicated Christian, and an outstanding athlete for whom 1994 is the year of his induction into the Alabama Sports Hall of Fame, the celebration of his 50th birthday, the 25th anniversary of the New York Jets' Super Bowl victory, and the awarding of his Master's degree from the University of Mobile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and on the occasion of his induction into the Alabama Sports Hall of Fame, we hereby most highly commend Paul Crane, an Alabamian in whom we are justly proud, and to whom a copy of this resolution shall be presented.

Approved February 7, 1994

Time: 9:10 A.M.

Act No. 94-81

H. 96 – Rep. Gullatt

AN ACT

To repeal Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 93-561, H. 971, 1993 Regular Session, relating to the establishment of fire districts in Russell County, is repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 10, 1994

Time: 9:30 A.M.

Act No. 94-82

H. 95 – Rep. Gullatt

AN ACT

Relating to Russell County; repealing Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in the county.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 92-419, H. 848, 1992 Regular Session, relating to an increase in ad valorem taxes in Russell County, is repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 10, 1994

Time: 9:31 A.M.

Act No. 94-83

H. 146 – Rep. Letson

AN ACT

To amend Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), relating to Lawrence County, and providing for the establishment of a public authority for the unified economic development of the county, to further provide for the members of the board of directors and to provide for the establishment of the position of Director of Airport Operations for the airport at or near the Town of Courtland under the jurisdiction of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 92-403, H. 771, 1992 Regular Session (Acts 1992, p. 830), is amended to read as follows:

“Section 1. (a) All power and authority granted to Lawrence County pursuant to Amendment No. 190 of the Constitution of Alabama of 1901, or to any public authority or corporation created by Lawrence County pursuant to Amendment No. 190 of the Constitution of Alabama of 1901, shall be consolidated into the Industrial Development Board of Lawrence County George C. Wallace Airport Authority, governed by a board of directors, for the unified economic development of the county. The public authority or corporation shall have all the power and authority and assume all of the obligations of any public authority or corporation created by Lawrence County pursuant to Amendment No. 190. The board of directors of the county public authority or corporation shall be composed of the following: (1) one member appointed by the governing

body of the incorporated municipalities in the county, with the exception of the Town of Courtland, acting together; (2) one member appointed by each member of the county legislative delegation; (3) one member appointed by the county commission; and (4) one member appointed by the Mayor of the Town of Courtland. One member of the board of directors shall be a member of a minority race. No elected official may serve on the board. The board shall be appointed within 10 days after the effective date of this act and shall be subject to the State Ethics Law. The terms of the members of the board shall be staggered. Three members shall serve an initial term of three years and two members shall serve an initial term of two years. At the first meeting of the board the members shall draw lots to determine which members shall serve an initial term of three years and which members shall serve an initial term of two years. After the initial term of the members, the appointed members of the board shall serve a term of three years. The members of the board may succeed themselves if reappointed to additional terms on the board. The first meeting of the board shall be held within 20 days after the effective date of this act and shall be called by the chair of the county commission. Thereafter, the board may meet as provided in its bylaws. At the first meeting and each year thereafter, the members shall select a chair.

“(b) There is established the position of Director of Airport Operations for the airport operated by the board at or near the Town of Courtland. The Director of Airport operations shall be appointed by the board and shall serve at the pleasure of the board. The board shall be responsible for providing reasonable compensation for the Director of Airport Operations. The Director of Airport Operations shall have full authority and control of airport operations within the regional airport area.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 10, 1994

Time: 9:32 A.M.

Act No. 94-84

H. 147 – Rep. Letson

AN ACT

Relating to Lawrence County; to amend Section 1 of Act No. 86-405, H. 780, 1986 Regular Session, as amended, relating to the compensation of the county superintendent of education, to provide further for such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 86-405, H. 780 of the 1986 Regular Session as amended, is amended to read as follows:

"Section 1. Beginning 30 days after the effective date of this act, the monthly compensation provided by law for the Lawrence County Superintendent of Education, shall never exceed by more than \$860.00, the monthly amount of compensation being paid to the highest paid employee employed by the county school system. In addition, any amounts disbursed for expenses to the superintendent, shall be in accordance with the same policy and procedure for expenses for education employees in the county. The county board of education shall take any action necessary to implement this act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 10, 1994

Time: 9:33 A.M.

Act No. 94-85

H. 429 – Rep. Black (L)

AN ACT

Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of Amendment 425 of the Constitution of Alabama of 1901 are fulfilled:

PROPOSED AMENDMENT

All general laws, local laws, and population based laws previously enacted by the Legislature and which are in effect on January 1, 1994, pertaining to or applicable to Sumter County which in whole or in part regulate costs and charges of courts are hereby ratified, approved, validated, and confirmed as of the date of their enactment. Any actions taken or payments made in accordance with those laws are hereby ratified, approved, validated, and confirmed. This amendment shall not be construed as prohibiting the Legislature from properly enacting a law to amend or repeal those laws.

Section 2. This amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Sumter County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House January 25, 1994

Passed the Senate February 10, 1994

Act No. 94-86

H. 57 – Rep. Layson

AN ACT

Relating to Pickens County; authorizing the Pickens County Commission to levy a special county privilege license tax of one percent in retroactive substitution of the tax authorized by Act No. 92-405, H. 631, 1992 Regular Session (Acts 1992, p. 831), without increasing, decreasing, or otherwise altering the rate of the tax in Pickens County; providing for the collection and distribution; providing for the use of the proceeds of the tax by the Pickens County Hospital Association for public hospital or public health care purposes, including but not limited to certain specified purposes; and providing for penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In this act, all words, terms, and phrases as defined in Section 40-23-1 to 40-23-4, inclusive, and 40-23-60 to 40-23-63, inclusive, Code of Alabama 1975, providing for the levy of state sales and use taxes, shall have the same meanings respectively ascribed to them in the sections, except where the context in this act clearly indicates a different meaning. In addition, the following words, terms, and phrases used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

- (1) COUNTY. Pickens County.

(2) DEPARTMENT. Department of Revenue.

(3) MONTH. The calendar month.

(4) STATE SALES TAX. The tax imposed by the state sales tax statutes.

(5) STATE SALES AND USE TAX STATUTES. Section 40-23-1 to 40-23-4, inclusive, and 40-23-60 to 40-23-64, inclusive, Code of Alabama 1975, levying state taxes on the gross sale or use of tangible personal property and including all statutes, which expressly set forth any exemptions from the computation of the taxes levied by the sections, and all other statutes which expressly apply to, or purport to affect, the administration of the sections and the incidence and collection of the taxes imposed.

(6) STATE USE TAX. The tax imposed by the state use tax statutes.

Section 2. The special county privilege license tax of one percent, if levied by the Pickens County Commission, shall be in substitution of the special county privilege license tax of one percent authorized by Act No. 92-405 and shall not have the effect of increasing, decreasing, or otherwise altering the rate of the tax levied and imposed by the Pickens County Commission on the date of introduction of this act in the Legislature of Alabama. It is the stated intent of the Legislature of Alabama that the terms of this act shall apply both retrospectively and prospectively. In this retrospective application, the terms of this act shall apply to the levy and collection of all taxes levied and collected pursuant to Act No. 92-405 as fully as if this act had been enacted instead of Act No. 92-405. In its prospective application, the terms of this act shall apply to the levy and collection of the tax imposed from and after the effective date of this act pursuant to Section 10.

Section 3. (a) The Pickens County Commission may levy and impose in addition to all other taxes, including municipal gross receipts license taxes now imposed by law, a special county privilege license tax of one percent on all tangible personal property except that automobiles, farm machinery, and machinery used for manufacture shall be fully exempted. The levy shall parallel the state sales and use taxes and be determined by the application of the rates against gross sales or gross receipts.

(b) There are exempted from this section and from the computation of additional tax imposed in this section, the gross receipts of any business and the gross proceeds of all sales that are presently exempted under the state sales and use tax statutes from the computation of state sales and use taxes.

Section 4. All taxes levied pursuant to Section 3 of this act shall be paid to and collected by the department at the same time

and in the same manner as state sales and use taxes are paid. On or prior to the due dates of the additional tax levied in this act, each person subject to the tax shall file with the department a report or return in the form prescribed by the department, setting forth, with respect to all sales and business transactions used as a measure of the tax levied, a correct statement of the gross proceeds of all the sales and gross receipts of the business transactions. The report shall include items of information pertinent to the tax that the department may require. Any person subject to the tax levied may defer reporting credit sales until after they are collected, and if the person elects to defer reporting the sales, the person shall include in each monthly report all credit sales collections made during the month, and shall pay the tax due at the time of filing the report. All reports or returns filed with the department pursuant to this section shall be available for inspection by the Pickens County Commission, or its designated agent, at reasonable times during business hours.

Section 5. Each person engaging or continuing within the county a business that is subject to the tax levied in Section 3 of this act, shall add to the sales price or admission fee, and collect from the purchaser or the person paying the admission fee, the amount due by the taxpayer on the sale or the admission. It shall be unlawful for any person subject to the additional tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount of tax required to be added to the sale or admission price and collected from the purchaser. Also, it shall likewise be unlawful for any person subject to the tax to refund or offer to refund all or any part of the amount of the tax collected or to absorb or advertise directly or indirectly the absorption or refund of the tax or any portion of the tax

Section 6. The tax imposed pursuant to Section 3 of this act shall constitute a debt due the county and may be collected as provided by law. The tax, together with interest and penalties associated with the tax, shall constitute and be secured by a lien upon the property of the person who shall pay the tax or who is required to collect the tax. The revenue laws of this state which apply to enforcement of liens for license taxes due the state shall apply fully to the collection of the tax levied in Section 3 of this act, and the department, for the use and benefit of the county shall collect the tax and enforce this act and shall have and exercise collection and enforcement rights and remedies that the state or the department has for collection of the state sales and use taxes. The department may employ the special counsel it deems necessary, from time to time to administer and enforce collection of the tax levied by this act, including the administration of any litigation involving this act. The department shall pay the fees of the special counsel from the proceeds of the tax collected by the department for the county.

Section 7. All provisions of the state sales and use tax statutes with respect to payment, assessment, and collection of the state sales and use taxes, making of reports and keeping and preserving records with respect to the taxes, penalties for failure to pay the taxes, the administrative code regulations relating to the state sales and use taxes, and the administration and enforcement of the state sales and use tax statutes, which are not inconsistent with this act when applied to the tax levied pursuant to Section 3 of this act, shall apply to the additional county tax levied pursuant to this act. The Commissioner of Revenue and department shall have and exercise the same powers, duties, and obligations with respect to the additional county tax levied pursuant to this act that are imposed on the commissioner and the department, respectively, by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this act to the additional county tax levied pursuant to this act and to the administration and enforcement of this act are incorporated by reference into this act and made a part of this act as if fully set forth herein.

Section 8. The department shall charge the county for collecting the additional county sales and use taxes levied pursuant to Section 3, an amount or percentage of total collections as agreed upon by the Commissioner of Revenue and the Pickens County Commission. The charge shall not exceed five percent of the total amount of the additional county sales and use taxes collected in the county pursuant to Section 3. The charge for collecting the additional taxes may be deducted each month from the gross revenues from the additional taxes before certification of the amount of the proceeds from the taxes due the county for that month. The Commissioner of Revenue shall pay into the State Treasury all taxes collected as the taxes are received by the department, and on or before the first day of each successive month, commencing with the month following the month in which the department makes the first collection pursuant to this act. The commissioner shall certify to the Comptroller the amount of taxes collected pursuant to Section 3 and paid by him or her into the State Treasury for the benefit of the county during the month immediately preceding the certification. Before certifying the amount of the tax paid into the State Treasury for the benefit of the county during each month, the commissioner may deduct from the tax collected in the month the charge due the department for the collection of the tax for the county. It shall be the duty of the State Comptroller to issue his or her warrant each month payable to the Treasurer of Pickens County in his or her official capacity in an amount equal to the amount certified by the Commissioner of Revenue as having been collected for the use of the county. The State Comptroller shall then deliver to the Pickens County Commission the balance remaining.

(b) All revenues arising from the taxes levied pursuant to Section 3 shall be distributed by the Treasurer of Pickens County to the Pickens County Hospital Association or its successor and shall be used in furtherance of any corporate purposes or power of the Pickens County Hospital Association or its successor as set forth in or granted by its charter or the laws pursuant to which it was incorporated, including but not limited to: the acquisition, construction and equipping of hospitals, clinics, nursing homes, and other health care facilities and improvements thereto, whether owned or leased as lessor or lessee; the purchase redemption, refunding, or prepayment of bonds, notes, warrants, or other evidences of indebtedness issued or guaranteed by the Pickens County Hospital Association or its successor or the payment of which is secured by a pledge of an obligation of the Pickens County Hospital Association or its successor; providing for the delivery of health care services to indigent patients, including payments to others pursuant to contracts or agreements for delivery of the services; and for any and all other public hospital or public health care purposes.

Section 9. If any provision, paragraph or part of this act shall be declared invalid, unconstitutional, or void, the balance of said act shall remain in full force and effect. More specifically, but not in limitation of the forgoing statement, if the retrospective application of this act to taxes levied and collected pursuant to Act No. 92-405 shall be declared invalid, unconstitutional or void, the prospective application of this act in substitution of Act No. 92-405 shall remain in full force and effect.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 14, 1994

Time: 11:15 A.M.

Act No. 94-87

H.J.R. 101 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING GERRY ZERINGUE OF MADISON, ALABAMA, RECIPIENT OF MADISON'S PERSON OF THE YEAR AWARD.

WHEREAS, in consensus of commendation, the Legislature of Alabama congratulates Gerry Zeringue of Madison, Alabama, who has been honored by the Madison County Record as Madison's Person of the Year, in recognition of "significant service to the community"; and

WHEREAS, Mrs. Zeringue, who has resided in Madison for the past six years, has rendered invaluable volunteer service through leadership positions and in tireless support of numerous civic and community organizations, and her many contributions have been of incalculable worth to the City of Madison and its citizens; and

WHEREAS, a very resourceful, energetic and enthusiastic person, Mrs. Zeringue is a founder and/or organizer of the non-profit Madison New Neighbor Network, Mom and Me in the Park, the Madison Women's Club, Madison Business Association, and the Madison Summer Concerts on the Green which is sponsored by the Madison Station Historical Preservation Society; and

WHEREAS, she also initiated the Wednesday Card Games for the Senior Center, and is an active member of the Madison Garden Club, among many other pursuits and selfless endeavors which she served with great dedication to the good and well-being of her community; and

WHEREAS, Mrs. Zeringue and her husband, O. J. "Ike" Zeringue, who has been promoted to senior vice president of Nuclear Operations for TVA, will be moving soon to Chattanooga, Tennessee; her accomplishments, however, on behalf of the City of Madison are of long-lasting benefit to the entire area, and her presence will be deeply missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Gerry Zeringue of Madison, Alabama, for outstanding community service, and do further direct that she receive a copy of this resolution, with warm best wishes for every future happiness and success.

Approved February 14, 1994

Time: 11:16 A.M.

Act No. 94-88

H.J.R. 106 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 3, 1994, they adjourn to meet again on Tuesday, February 8, 1994.

Approved February 14, 1994

Time: 11:17 A.M.

Act No. 94-89

S.J.R. 26 – Senator J. Smith

SENATE JOINT RESOLUTION

RECOGNIZING OLIN B. KING OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Olin B. King of Huntsville, Alabama, for outstanding achievement and invaluable contributions to the Huntsville community and state; and

WHEREAS, Olin King is founder, chairman of the board, and chief executive officer of SCI, Inc., which he founded in 1961, and which, under his leadership, has grown to a 1.7 billion dollar "Fortune 500" electronics manufacturing firm; and

WHEREAS, Mr. King, the recipient of numerous awards and honors, was most recently recognized by the Chamber of Commerce with its Distinguished Service Award for his "generosity of time and dedication to the development and improvement in the quality of life of our community"; and

WHEREAS, Mr. King also has provided expert leadership and support to numerous civic, charitable and cultural organizations, and has further served such agencies as the Government Task Force for Economic Recovery for the State of Alabama, Alabama Trust Fund Board, and the Alabama Commission on Higher Education's Council of Twenty-One; and

WHEREAS, Mr. King who earned his B.S. degree from North Georgia College, completed graduate studies at Emory University and the University of Pennsylvania, and was awarded honorary **doctorate degrees from the University of Alabama and the South Dakota School of Mines and Technology**; and

WHEREAS, he is a United States Army veteran of the Korean War, and a former design engineer for RCA and engineering manager at the Army Ballistics Missile Agency and Marshall Space Flight Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to the Huntsville community and the State of Alabama, we hereby most highly commend Mr. Olin B. King of Huntsville, Alabama, for whom a copy of this resolution of sincere regard shall be provided.

Approved February 14, 1994

Time: 11:00 A.M.

Act No. 94-90

S.J.R. 27 – Senator Bolling

SENATE JOINT RESOLUTION

COMMENDING CHRIS LEMAY FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Chris LeMay, a Lawrence County native and a pre-engineering student at Beville State Community College in Fayette, Alabama, was one of only two undergraduates chosen from hundreds of applicants from across the nation to attend the 1993 NASA Summer Faculty Fellowship Program at Johnson Space Center in Houston, Texas; and

WHEREAS, Chris, the son of Mr. and Mrs. Neil LeMay, was selected for the honor on the recommendations of Dr. Bobby Roberson, a NASA Fellowship recipient, chemistry instructor, and chairman of the Math-Science Division at Beville State; Beville State president, Harold Wade; and Alabama Senator George Bolling; and

WHEREAS, as a program participant, Chris was not only provided the unique opportunity to observe all aspects of America's space program and to meet and talk with astronauts and some of the leading space scientists in America, but also assisted Dr. Roberson with his project and subsequent report concerning resource recovery from waste materials generated in space; and

WHEREAS, Chris is indeed an exceptional young man, who has excelled academically, as evidenced by the many scholarships he has received, and also in college athletics including varsity football, baseball, and basketball; extracurricular activities such as the Student Council, Spanish Club and Fellowship of Christian Athletes; and through volunteer service to his community; and

WHEREAS, in tribute to his accomplishments, Chris has received a number of honors and awards including Academic All-American, Valedictorian, National Honor Society, National Mathematics Awards and Who's Who Among Students in American High Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as a participant in the 1993 NASA Summer Faculty Fellowship Program, we hereby most highly commend Chris LeMay, in whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved February 14, 1994

Time: 11:01 A.M.

Act No. 94-91

S.J.R. 28 – Senator Sanders

SENATE JOINT RESOLUTION

DESIGNATING 1994 AS PERSONAL HEALTH CARE YEAR
IN THE STATE OF ALABAMA.

WHEREAS, each of us must take immediate responsibility for
our personal health; and

WHEREAS, we often pursue priorities other than our personal
health; and

WHEREAS, our personal health is vital for our individual lives
and fundamental to our family health and our community health;
and

WHEREAS, every person should eat healthfully, drink health-
fully, exercise vigorously, get medical attention, and take reason-
able preventive health care measures; and

WHEREAS, the Legislature desires that personal health
development be encouraged throughout the state, and it is the con-
sensus of this body that a designation of 1994 as Personal Health
Care Year in Alabama would serve to foster greater personal
health care awareness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That 1994 is hereby
designated Personal Health Care Year in the State of Alabama
and we do further urge that the county commissions, municipali-
ties, boards of education, churches, and the various civic and com-
munity organizations in Alabama join the Legislature in its
endeavors to promote greater health care awareness throughout
our state.

Approved February 14, 1994

Time: 11:02 A.M.

Act No. 94-92

S.J.R. 29 – Senator Bolling

SENATE JOINT RESOLUTION

COMMENDING DR. BOBBY ROBERSON OF BEVILL
STATE COMMUNITY COLLEGE, FAYETTE, ALABAMA.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the selection of Dr. Bobby Roberson, chemistry instructor and Chairman of the Math-Science Division at Bevill State Community College, as a NASA Summer Faculty Fellowship recipient for 1993; and

WHEREAS, for the second consecutive year, Dr. Roberson was chosen to return to Johnson Space Center in Houston, Texas, where for 11 weeks he resumed work on the project he had begun as a NASA Fellow in the summer of 1992 involving the recovery of reusable resources from waste materials generated in space, a process to be used in future manned-base construction on the moon and the planet Mars; and

WHEREAS, Dr. Roberson, who holds Bachelor's, Master's, and Ph.D degrees from Auburn University, has been highly acclaimed for his outstanding work and invaluable contributions to the NASA space program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as a NASA Summer Faculty Fellowship participant, (1992 and 1993), we hereby most highly commend Dr. Bobby Roberson, whose accomplishments reflect most highly upon Bevill State College, the Alabama College System, and the state, and for whom a copy of this resolution shall be provided.

Approved February 14, 1994

Time: 11:03 A.M.

Act No. 94-93

S.J.R. 32 – Senator Hill

SENATE JOINT RESOLUTION

DESIGNATING STATE HIGHWAY 77 IN TALLADEGA COUNTY AS HISTORIC TALLADEGA COLLEGE HIGHWAY.

WHEREAS, Talladega College was founded in 1865 by freedmen and is the oldest private Historically Black College in the State of Alabama; and

WHEREAS, Talladega College is a distinguished institution of higher education with a respected history of service to the citizens of the State of Alabama, and others; and

WHEREAS, Talladega College is honored as the second greatest producer of African-American Ph.D. recipients in the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the highway in Talladega County, now known as "Highway 77," is hereby named and designated, and shall henceforth be known as "Historic Talladega College Highway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating said "Historic Talladega College Highway."

RESOLVED FURTHER, That a copy of this resolution be provided for presentation to President Joseph B. Johnson of Talladega College.

Approved February 14, 1994

Time: 11:04 A.M.

Act No. 94-94

H. 85 – Rep. Zoghby

AN ACT

To exempt the L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The L'Arche-Mobile, Inc., a nonprofit corporation, located in Mobile, Alabama, is exempted from paying any county and municipal sales or use taxes.

Section 2. This act shall become effective the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 14, 1994

Time: 11:18 A.M.

Act No. 94-95

H. 88 – Rep. Parker (P)

AN ACT

Relating to the City of Hartselle in Morgan County, to alter and rearrange the corporate limits of the City of Hartselle, Alabama, to include additional territory within the corporate limits of the municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Hartselle in Morgan County, Alabama, are altered and

rearranged so as to include within the corporate limits of the City of Hartselle, in addition to the lands now included, all of the following territory, to-wit:

Beginning at a railroad spike on the northeast corner of Section 25, Township 7 South, Range 4 West, Morgan County, Alabama, and run thence South 89 degrees 29' 56" West (Magnetic Bearing) along the North boundary of Section 25 a distance of 660.00 feet to a railroad spike at the northwest corner of the excepted ten (10.000) acres square in the northeast corner of the east half of the NE-1/4; thence South 0 degrees 55' 47" East along the west boundary of the excepted ten (10.000) acres square in the northeast corner of the east half of the NE-1/4 a distance of 25.19 feet to an iron pin on the southerly margin of the right-of-way dedicated for Project SACP 1226-A as recorded in the Morgan County Probate Office in the Right-of-Way Book 10, at Page 36, said point also being the true point of beginning of the tract herein described; thence from the true point of beginning continue South 0 degrees 55' 47" East along the west boundary of the excepted ten (10.000) acres square in the northeast corner of the east half of the NE-1/4 a distance of 634.81 feet to an iron pin on the southwest corner of the excepted ten (10.000) acres square in the northeast corner of the east half of the NE-1/4; thence North 89 degrees 29' 56" East along the south boundary of the excepted ten (10.000) acres square in the northeast corner of the east half of the NE-1/4 a distance of 525.68 feet to an iron pin on the westerly right-of-way margin of Interstate Highway No. 65, a description of which is recorded in the Morgan County Probate Office in Book 134, at Pages 231 and 232; thence South 4 degrees 31' 34" East along said westerly right-of-way margin a distance of 862.68 feet to a concrete monument; thence in a southeasterly direction along said westerly right-of-way margin and along a curve to the left, having a radius of 23,068.31 feet, a distance of 525.97 feet to a concrete monument on the north boundary of a drainage easement for Interstate Highway No. 65 as recorded in the Morgan County Probate Office in Book 134, at Page 232; thence South 68 degrees 33' 29" West along the north boundary of said drainage easement as monumented a distance of 139.77 feet to a concrete monument; thence South 34 degrees 28' 16" West along the north boundary of said drainage easement as monumented a distance of 218.07 feet to a concrete monument at the northwest corner of said easement; thence North 72 degrees 31' 15" West a distance of 1058.27 feet to an iron pin on the south bank of Cedar Creek, which point lies 30.00 feet easterly and at right angles to the west boundary of the east half of the NE-1/4 of Section 25; thence North 0 degrees 57' 47" West, parallel and 30.00 feet easterly of the west boundary of said east half of the NE-1/4, a distance of 1286.74 feet to an iron pin; thence North 89

degrees 29' 56" East a distance of 377.89 feet to an iron pin; thence North 0 degrees 41' 47" West a distance of 634.79 feet to an iron pin on the south margin of the right-of-way for Project SACP 1226-A; thence North 89 degrees 29' 56" East along said south right-of-way margin a distance of 262.42 feet to the true point of beginning, lying and being within the east half of the NE-1/4 of Section 25, Township 7 South, Range 4 West, Morgan County, Alabama, and containing 44.3736 acres, more or less.

Also, all that part of the NE-1/4 of the NE-1/4 of the NE-1/4 in Section 25, Township 7 South, Range 4 West, lying west of Interstate Highway 65 and South of the Thompson Road, containing in the aggregate 8 acres, more or less.

Also, beginning at a railroad spike on the southwest corner of Section 24, Township 7 South, Range 4 West, Morgan County, Alabama, thence N 89 degrees 29' 56"E (magnetic bearing) along the South boundary of Section 24 a distance of 2666.56 feet to an iron pin on the southwest corner of the SE-1/4 of said Section 24; thence continue N 89 degrees 29' 56"E along the South boundary of Section 24 a distance of 1600.00 feet to an iron pin; thence N 0 degrees 54' 23"W a distance of 54.81 feet to a point on the North margin of the right-of-way for county road Project SACP-1226-A, said point also being the true point of beginning of the tract herein described; thence from the true point of beginning continue N 0 degrees 54' 23"W a distance of 1283.74 feet to an iron pin on the North boundary of the S-1/2 of the SE-1/4 at a point 1600 feet East of the northwest corner of said S-1/2 of SE-1/4; thence N 89 degrees 28' 35"E along the North boundary of the SE-1/4 of the SE-1/4 a distance of 547.10 feet to an iron pin at the northwest corner of the excepted one (1.00) acre square as described in Deed Book 936, at Page 789 in the Probate Office of Morgan County, Alabama; thence S 4 degrees 31' 44"E along the West boundary of the excepted one (1.00) acre square as described in Deed Book 936, at Page 789 in the Probate Office of Morgan County, Alabama, a distance of 210.00 feet to an iron pin on the southwest corner of the excepted one (1.00) acre square as described in Deed Book 936 at Page 789 in the Probate Office of Morgan County, Alabama; thence N 89 degrees 28' 35"E along the South boundary of the excepted one (1.00) acre square as described in Deed Book 936 at Page 789 in the Probate Office of Morgan County, Alabama, a distance of 210.00 feet to an iron pin on the westerly right-of-way margin of Interstate Highway No. 65, a description of which is recorded in the Morgan County Probate Office in Book 134, at Pages 237 and 238; thence S 4 degrees 31' 44"E along said westerly right-of-way margin a distance of 777.67 feet to a concrete monument; thence S 17 degrees 42' 14"W along a flare in said westerly right-of-way margin a distance of 248.17 feet to a concrete monument; thence S 89

degrees 07' 28"W along an offset in said westerly right-of-way margin a distance of 99.86 feet to a concrete monument; thence S 0 degrees 57' 42"E along said westerly right-of-way margin a distance of 62.39 feet to an iron pin on the northerly right-of-way margin of county road project SACP-1226-A; thence S 89 degrees 29' 56"W along the northerly right-of-way margin of county road project SACP-1226-A a distance of 640.62 feet to the true point of beginning; lying and being within the SE-1/4 of the SE-1/4 of Section 24, Township 7 South, Range 4 West, Morgan County, Alabama, and containing 21.9674 acres, more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, as amended, a map showing what territory is proposed to be annexed to the municipality of Hartselle is on file in the office of the Judge of Probate in Morgan County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 14, 1994

Time: 11:19 A.M.

Act No. 94-96

H. 428 – Rep. Black (L)

AN ACT

Relating to Sumter County; to authorize the board of health to designate the services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sumter County Board of Health shall designate the services rendered by the County Health Department for which a fee may be charged and shall set the fee to be charged for each service. Any fees to be charged pursuant to this act shall be subject to approval by the Sumter County Commission prior to implementation. The County Health Department may charge and collect the fees authorized by this act. All fees so collected are hereby appropriated to the County Health Department.

Section 2. No person shall be denied any service because of inability to pay the fees authorized by this act. The County Board of Health may establish a sliding fee scale based upon a person's ability to pay.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 14, 1994

Time: 11:20 A.M.

Act No. 94-97

H. 468 – Rep. Clark (J)

AN ACT

Relating to Barbour County; providing for the salary of the Sheriff of Barbour County, payable from the Barbour County treasury; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing with the next term of office, the Sheriff of Barbour County shall be paid a salary of \$47,500 per annum, payable in equal installments as other county employees are paid from the county treasury.

Section 2. The compensation herein provided shall be in lieu of any and all other compensation or expense allowance now provided by law.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 14, 1994

Time: 11:21 A.M.

Act No. 94-98

H.J.R. 104 – Reps. Hall (L), Buskey, Clark (W), Kennedy, Holmes, McDowell, Rogers (J), McClain, Barnes, Newton (D), Hilliard, Clay, Black (L), Spratt, Knight (J), Bryant, Thomas, Melton, Perdue, Hall (A), Butler

HOUSE JOINT RESOLUTION

DESIGNATING FEBRUARY AS "STOP THE VIOLENCE MONTH."

WHEREAS, the month of February is recognized as African American History Month; and

WHEREAS, this is a time that our country sets aside to recognize the many contributions of African Americans; and

WHEREAS, there has been an increase in the number of violent crimes and violent deaths in the African American community; and

WHEREAS, violent crime in the African American community is affecting the very fiber and vitality of the African American community; and

WHEREAS, the African American community has traditionally been a non-violent people; and

WHEREAS, if violent crime and violent deaths continue, there will be no African American history to celebrate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the month of February is designated as "Stop the Violence Month."

BE IT FURTHER RESOLVED, That every organization, community, church, and family unite to send a message that if African American history is to continue, African Americans must stop the killing and start the healing and the building.

RESOLVED FURTHER, That copies of this resolution be made available for appropriate distribution.

Approved February 14, 1994

Time: 11:22 A.M.

Act No. 94-99

H.J.R. 109 – Reps. Rogers (J), White, Hammett, Melton, Burke, Ford, Biddle, Millican, Cosby, Black (L), Hawkins, Smith (C), Harper, McDowell, Knight (J), Spratt, Black (M), Parker (T), Anderson, Letson, Curry, Page, Knight (A), Hill, Collins, Gaines, Sanderson, McDaniel, Richardson, Smith (R), Payne, Johnson, Hilliard, Drake,

Sanderford, McClain, Petelos,
Hall (A), Hooper, Parker (P)

HOUSE JOINT RESOLUTION

EXTENDING THE TIME THAT THE CONTINUING YOUTH GANG VIOLENCE COMMISSION SHALL REPORT TO THE LEGISLATURE AND INCREASING THE MEMBERSHIP OF THE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Continuing Youth Gang Violence Commission for the purpose of addressing the existing problems and potential problems of youth gangs in and around the state, created pursuant to Act No. 93-111, H.J.R. 20 of the 1993 Regular Session (Acts 1993, p. 167), shall have two additional members, one member appointed by the Speaker of the House of Representatives and one member appointed by the Lieutenant Governor or the Presiding Officer of the Senate, and shall report its findings and recommendations to the Legislature by the fifteenth legislative day of the 1995 Regular Session at which time the committee shall stand dissolved and discharged of any further duties.

Approved February 14, 1994

Time: 11:23 A.M.

Act No. 94-100

H.J.R. 110 – Reps. Clark (J), Flowers

HOUSE JOINT RESOLUTION

HONORING JAMES HAYWARD KELLEY OF OZARK, ALABAMA.

WHEREAS, the Legislature of Alabama herein pays tribute to James Hayward Kelley, a distinguished native son whose proud heritage is deeply rooted in Houston County, where he was born January 1, 1904, as the youngest child of Thomas Elias and Mary Eliza (Molly) Kelley, and was reared with his ten brothers and sisters on a farm near Dothan; and

WHEREAS, young Hayward, as he was called by his family, was educated at Keyton and Newton Springs Elementary Schools, and, upon this solid foundation, greatly broadened his education through studies at Campbell Business College and the Troy State Normal Extension in Houston County, and at the Baptist Collegiate Institute of Newton in Dale County; and

WHEREAS, Mr. Kelley, who was later called and is now widely known as Jim Kelley, has resided over the years in Houston

County, Ozark and Montgomery, Alabama, and in Wewahitchka, Gulf County, Florida, in which communities he has served in leadership and support of many community improvement projects and programs, and through such affiliations as the Baptist Church, Masonic Order, Kiwanis Club, Bankers Association, and Boy Scouts of America, among others; and

WHEREAS, it has been in these locales, also, that Jim Kelley has become highly successful in many varied fields, including farming, teaching, banking, office management, and business, as well as the print and broadcast media; and

WHEREAS, Mr. Kelley is also regarded as an outstanding orator, and this gift has been a decided asset in all his endeavors, including a distinguished tenure in public service as a member of the Florida State Legislature, and as a public information officer and planner with the Alabama Department of Civil Defense who, during the administration of Governor John Patterson, wrote the first Emergency Operations Plan for the State of Alabama; and

WHEREAS, Mr. Kelley was married to the former Erin Andrews of Ozark for 63 years prior to her death in 1989; they are the parents of four children and the grandparents of nine grandchildren and six great-grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend James Hayward Kelley of Ozark, Alabama, a distinguished Alabamian in whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved February 14, 1994

Time: 11:24 A.M.

Act No. 94-101

H.J.R. 111 – Reps. Morrow, Box, Haynes,
Harvey, Smith (C),
Knight (J), Burke, Ford,
Knight (A), Venable

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF MARCH 7, 1994, AS “NEWSPAPER IN EDUCATION WEEK” FOR THE STATE OF ALABAMA.

WHEREAS, the Newspaper in Education (NIE) program in the State of Alabama is a significant part of the instructional process in both the public and private school systems; and

WHEREAS, approximately three dozen newspapers throughout Alabama now participate in the NIE program; and

WHEREAS, almost 1000 teachers throughout the state currently use the newspaper as an effective teaching tool in their classrooms; and

WHEREAS, the newspaper is shared in Alabama schools at least once weekly with approximately 90,000 students; and

WHEREAS, educational uses of newspapers have rapidly expanded in recent years in the classroom curriculum from kindergarten through college, as well as in tutoring, adult education, prisons, mental institutions, and nursing homes; and

WHEREAS, the Alabama Press Association has encouraged the development of NIE programs throughout the state by focusing on them during its convention programs and its publications; and

WHEREAS, the goal of using newspapers to address literacy, basic competencies for graduating high school students, better citizenship and comprehension coincides with educational reform efforts in Alabama; and

WHEREAS, the goal of NIE is to encourage the use of newspapers in education with the primary objectives of developing in young people: (1) a continuing desire and ability to read a newspaper critically and reflectively; (2) a concern for public issues and a motivation to involve themselves in our self-governing process; and (3) an understanding of the role of a free press in our society; and

WHEREAS, Alabama's NIE Week of activities are being coordinated by Ms. Patricia Frazer, NIE Director for the Montgomery Advertiser; and

WHEREAS, in the foreseeable future, rapid growth is projected in the educational use of newspapers and other current media; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of March 7, 1994, be designated and duly noted as "Newspaper in Education" Week in the State of Alabama along with the theme "Celebrate Diversity."

BE IT FURTHER RESOLVED, That copies of this resolution be shared with all Alabama newspapers which participate in the NIE program as well as the Alabama Press Association.

Approved February 14, 1994

Time: 11:25 A.M.

Act No. 94-102

H.J.R. 112 – Reps. Cagle, Penry

HOUSE JOINT RESOLUTION

DECLARING THE SENSE OF THE ALABAMA LEGISLATURE WITH RESPECT TO THE RAILROAD RETIREMENT SYSTEM.

WHEREAS, the railroad industry is acknowledged as the originator of private company pensions in the United States; and

WHEREAS, in the 1930's the United States Congress assumed the responsibility for developing a federally administered retirement program to place the various railroad pension plans on a solid financial basis; and

WHEREAS, the railroad retirement system today covers over one million individuals who have contributed over the years in good faith and who have legitimate expectations of receiving their benefits; and

WHEREAS, the National Performance Review, in its report "From Red Tape to Results: Creating a Government That Works Better & Costs Less" proposes to transfer the functions of the Railroad Retirement Board to the Social Security Administration, to other federal agencies, and to "private section service providers"; and

WHEREAS, this proposal would privatize and terminate a program that has worked well and provided retirement security to millions of people for nearly 60 years; and

WHEREAS, it now costs less money per benefit dollar to administer railroad retirement than it costs to administer Social Security and consequently, the proposal is likely to increase costs to the taxpayer; and

WHEREAS, the transfer would violate the federal government's stated commitment to "serving the customer" as current and future railroad retirement beneficiaries vehemently oppose the transfer; and

WHEREAS, this action threatens to disrupt earned and needed benefits for 1.3 million active, retired, and disabled railroad workers and their families; and

WHEREAS, this proposal would adversely affect all active and retired railroad employees and their families in the great State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a continued

federal commitment to the railroad retirement system is essential to assure the integrity of the railroad retirees' benefits.

BE IT FURTHER RESOLVED, That the preservation of the present structure of the railroad retirement system, including the administrative framework of the Railroad Retirement Board, is necessary to fulfill the time-honored responsibility of the federal government.

RESOLVED FURTHER, That copies of this resolution be forwarded to the Railroad Retirement Board and the Social Security Administration.

Approved February 14, 1994

Time: 11:26 A.M.

Act No. 94-103

S. 67 – Senator J. Smith

AN ACT

Amending Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, relating to loans and scholarships granted by the Board of Medical Scholarship Awards; to provide for the amount, method of repayment, interest rate, and credit for performing certain services; and to provide for continuation of contracts with the Board of Medical Scholarship Awards in existence on the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1 Sections 16-47-121, 16-47-123, 16-47-124, 16-47-125, 16-47-126, 16-47-127, and 16-47-128, Code of Alabama 1975, are amended to read as follows:

“§16-47-121.

“There is hereby created a board of medical scholarship awards, which shall establish scholarships and loans to provide for the medical training of qualified applicants for admission, or students in, the University of Alabama School of Medicine or the University of South Alabama College of Medicine, or any other accredited or provisionally accredited school of medicine in Alabama. The recipients of loan awards shall enter into a valid agreement with the board of medical scholarship awards to practice the profession of medicine in those areas and localities of Alabama as may be determined by the board for a number of years to be stipulated in the agreement.”

“§16-47-123.

“(a) The board of medical scholarship awards shall make a careful and thorough investigation of the ability, character, and qualifications of each applicant, and award scholarships and loans according to the judgment of the board. Preference in granting loans shall be given to applicants who sign agreements to practice in those areas in greatest need of medical service for periods of time to be stipulated by the board.

“(b) The board of medical scholarship awards shall make reasonable rules and regulations for implementing and administering this division.”

“§16-47-124.

“There shall be two types of awards as follows:

“(1) LOANS. A number of loans equal in number to 20 percent of the student body of the medical schools in the state of Alabama, each in an amount of up to the average cost of tuition, fees, and living expenses, as set forth in the current catalogs of the University of Alabama School of Medicine or the University of South Alabama College of Medicine, for the year of each enrollment. These loans shall be available to any resident of Alabama of good character who has been accepted for matriculation by one of the medical schools of Alabama preference being given to those applicants who can show an economic need, and who commit in writing to practice in a rural area in a generalists specialty as determined by the board. The board may, in its discretion, permit students to apply for a loan under this subdivision in any scholastic year and for any previously completed scholastic year of medical education. These loans shall be repaid following graduation, under the terms of a contract to practice clinical medicine in an area of Alabama identified by the board as medically underserved for a term of years, as hereinafter set forth.

“(2) MERIT SCHOLARSHIPS. A number of merit scholarships equal in number to five percent of the student body of the medical schools in the state of Alabama, each in an amount not to exceed \$5,000 (five thousand dollars) per annum or \$20,000 (twenty thousand dollars) over a four-year period shall be granted to students with high scholastic achievement and excellent character who will attend one of the medical schools of the state of Alabama. The students to whom merit scholarships are granted shall not be obligated to repay the amount of the scholarship award.”

“§16-47-125.

“Any recipient who fails for any reason to continue his or her medical education may, at the discretion of the board, be required to repay all loan amounts immediately with simple interest of

eight percent annually from the date of his or her departure or removal from medical school.

“§16-47-126.

“The loan or any part thereof shall be repaid by engaging in full-time clinical practice, as defined in the regulations of the board, in one of the following ways, in accordance with a contract approved by the board of medical scholarship awards:

“(1) Practice for a period equal to one year of practice for each year the individual received a loan in a community of less than 5,000 population which is in an area within Alabama identified by the board as medically underserved.

“(2) Practice for a period equal to one and one-fourth years of practice for each year the individual received a loan in a community of more than 5,000 population and less than 15,000 population which is in an area within Alabama identified by the board as medically underserved.

“(3) Practice for a period equal to one and one-half years of practice for each year the individual received a loan in a community of more than 15,000 but less than 50,000 population which is in an area within Alabama identified by the board as medically underserved.

§16-47-127.

“(a) Each recipient of a loan under this division shall enter into an agreement with the board of medical scholarship awards whereby the recipient agrees to practice in an area as defined in Section 16-47-126. In the event of a default or other breach of contract by the recipient of loans provided under this act, or other termination of contract prior to the completion of the period of medical education and training, the individual shall be liable for immediate repayment of the total principal loan amount plus interest at the rate of eight percent accruing from the date of default or termination and an additional penalty as specified:

“(1) For default or termination of a loan for one scholastic year, a penalty equal to 20 percent of the total principal amount of the loan.

“(2) For default or termination of a loan for two scholastic years, a penalty equal to 30 percent of the total principal amount of the loan.

“(3) For default or termination of a loan for three scholastic years, a penalty equal to 40 percent of the total principal amount of the loan.

“(4) For default or termination of a loan for four scholastic years, a penalty equal to 50 percent of the total principal amount of the loan.

“(5) If default or termination occurs after the fourth year but prior to the completion of a residency training program accredited by the Accreditation Council on Graduate Medical Education in a generalists specialty as determined by the board, a penalty equal to 100 percent of the total principal amount of the loan.

“(6) If default or termination occurs after completion of a residency training program but prior to completion of the repayment obligation as set forth in Section 16-47-126, a penalty equal to 200 percent of the total principal amount of the loan.

“(b) The attorney general or any district attorney, upon request of the board of medical scholarship awards, shall institute proceedings in the name of the state for the purpose of recovering any amount due the state under this division. Any sums recovered under Section 16-47-125 or this section from loan recipients or paid by the recipients to the board shall be retained by the Board of Medical Scholarship Awards for funding of future scholarships.

“(c) In the event of death of a recipient or upon the recipients’ becoming permanently disabled to an extent that he or she is no longer able to engage in the practice of medicine, repayment of the loan may be excused by the board.”

“§16-47-128.

“The failure of a recipient of a loan to perform his or her agreement with the board of medical scholarship awards or to pay the amount he or she is liable for under this division shall constitute a ground for the revocation of his or her license to practice medicine. The proceedings to have the physician’s license revoked shall be commenced upon the written complaint of the board of medical scholarship awards to the state board of medical examiners. The proceedings shall be in accordance with Sections 34-24-310 to 34-24-381, inclusive, for the imposition of disciplinary sanctions on a license to practice medicine in this state.”

Section 2. Individuals who have entered into contracts with the board of medical scholarship awards prior to the effective date of this act shall be entitled to continue to receive the loans or merit scholarship, or both, in the amounts specified in the contract. Repayment shall be in accordance with the terms of the contract. These individuals shall have the option to terminate an existing contract and enter into a new contract under the provisions of this act. The board shall prescribe in regulations the repayment obligations of any individual who receive loans in less than the full amount authorized by the board or who terminates an existing contract and enters into new

contracts under this section. The board may, in its discretion, excuse repayment of a loan, in whole or in part, based upon the disability or other extreme hardship not the fault of the loan recipient.

Section 3. The board shall establish the fiscal requirements for its annual administration expenses, which may be paid from funds from any source which are available to the board.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 14, 1994

Time: 3:55 P.M.

Act No. 94-104

S. 293 – Senator Foshee

AN ACT

To amend Section 5-5A-30, Code of Alabama 1975, relating to the use of automatic teller machines; to substitute the term “automated teller machine” for the term “automatic unmanned cash dispensing machine”; to expressly authorize a bank owning or operating an automated teller machine or other instrumentality to charge a transaction fee to any person using the machine or instrumentality; to provide that the authority to charge the transaction fee is clarified and is declaratory of existing law; to provide that the transaction fee shall be in addition to any other fees and charges agreed upon by the bank and its customer; to provide for disclosure of the transaction fee; and to provide that no contract with a bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by the bank by customers of another financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited by law or require the bank to limit or waive its rights under this act, irrespective of whether the contract was entered into before or after the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5-5A-30, Code of Alabama 1975, is amended to read as follows:

“§5-5A-30.

“(a) Any bank may lawfully receive deposits or paychecks or sight drafts and transact any other business on any legal holiday, excepting Sunday, in the same manner and way that it is authorized to do on any legal banking day.

“(b) Nothing in this section, nor any other law of this state, shall be construed to prohibit a bank the use of an automated teller machine, or other instrumentality as authorized by section 5-2A-7 and section 5-2A-8, 24 hours each day of the week including Sunday, and the use of the machine or other instrumentality by any bank is hereby authorized, provided the machine or other instrumentality

and the use thereof is first approved by the appropriate bank regulatory authority, if the approval is required. A bank owning or operating a machine or other instrumentality may charge a transaction fee to the person using the machine or other instrumentality. The transaction fee shall be disclosed: (i) on a sign posted on the machine or other instrumentality or at a location in view of a person while viewing the machine or other instrumentality; or (ii) electronically during the course of the transaction in a manner that permits a person to cancel the transaction without incurring the transaction fee.

“(c) No contract with a bank organized under the laws of this state or a national bank located in this state permitting the use of any automated teller machine or other instrumentality owned or operated by a bank by customers of any other financial institution shall prohibit, limit, or restrict the right of the bank to charge any fees not prohibited to the bank by law or require a bank to limit or waive its rights under this chapter.

“(d) The amendments to subsection (b) made by this amendatory act shall be cumulative with, declare, and clarify existing law. The transaction fee shall be in addition to any fees and charges to which a bank and its customer may agree from time to time with regard to the use of any automated teller machine or other instrumentality.

“(e) Subsection (c) shall apply to all contracts permitting the use of automated teller machines or other instrumentalities by customers of another financial institution irrespective of whether the contract was entered into before or after the effective date of this amendatory act.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 18, 1994

Time: 9:30 A.M.

Act No. 94-105

S.J.R. 31 – Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING GEORGE A. GARZON FOR OUTSTANDING SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the invaluable service rendered by George A.

Garzon as Director of the Alabama Department of Aeronautics from March 1990 to January 1994; and

WHEREAS, Mr. Garzon, who was impeccably qualified to hold the position to which he was appointed, brought the department to an unprecedented level of efficiency, professionalism and stability during his four-year tenure; his leadership, moreover, served to raise Alabama's prestige within the nation's aviation community, and in the eyes of the National Association of State Aviation Officials (NASAO) which elected him to the organization's Board of Directors, and as Regional Vice President representing NASAO Region 8, which is comprised of eight Southeastern states as well as Puerto Rico; and

WHEREAS, more importantly to the state, however, has been the substantial increase to Alabama in federal airport funding since 1990, which averaged \$19.7 million per year in 1990 through 1992, as opposed to \$10.9 million in 1989, and reached a high of \$23.7 million in federal airport grants received by the state in 1993; and

WHEREAS, Mr. Garzon's leadership of the State Aeronautics Department has indeed been of inestimable worth to the State of Alabama, and it is widely acknowledged that the unparalleled success of his tenure is attributable to his experience and expertise as an outstanding administrator, an experienced military and civilian pilot, an individual who is exceedingly knowledgeable of all federal air regulations governing the flying and management of airports, and as a public servant dedicated to serving the best interests of the State of Alabama and its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary service to the State of Alabama as Director of the Department of Aeronautics, we hereby most highly commend George A. Garzon of Montgomery, Alabama, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided.

Approved February 18, 1994

Time: 9:31 A.M.

Act No. 94-106

S.J.R. 37 – Senator Langford

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JUDGE THOMAS COLEMAN
OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama herein records the lamentable death of Mr. Judge Thomas Coleman of Montgomery, Alabama, on February 3, 1994; and

WHEREAS, a lifelong resident of Montgomery, Mr. Coleman was a highly regarded member of his community, who was widely known for his service and support of many organizations and programs that impacted greatly and to the good and well-being of his fellowman; and

WHEREAS, most particularly dedicated in his service to the Christian community, Mr. Coleman was one of the founding fathers and a member of the New Providence Missionary Baptist Church since its establishment 23 years ago; and

WHEREAS, he also was one of the original Deacons of the church, as well as Chairman of the Board of Deacons for 16 years, and worked faithfully in all areas of New Providence Missionary Baptist Church activities and ministries; and

WHEREAS, Mr. Coleman, who is survived by his beloved wife, Mrs. Hattie Coleman, was the loving father of six children, two of whom preceded him in death, and his loss is a source of deep and abiding grief to them all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the Montgomery community and the family of New Providence Missionary Baptist Church in mourning the death of Mr. Judge Thomas Coleman, and do further direct that a copy of this resolution be provided for his family, whose sorrow we sincerely share, and to whom we express our most heartfelt condolence.

Approved February 18, 1994

Time: 9:32 A.M.

Act No. 94-107

S.J.R. 38 – Senator Sanders

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF RACHEL THOMAS OF PERRY COUNTY, ALABAMA.

WHEREAS, it is with deep and abiding grief that the Alabama Legislature records the lamentable death of Mrs. Rachel Thomas of Perry County, Alabama, on January 22, 1994; and

WHEREAS, Mrs. Thomas, a dearly beloved member of her community, was a faithful member of St. James Baptist Church in Marion, Alabama, and was a founder of the Perry County Civic League which she served as a devoted member for twenty-five years; and

WHEREAS, Mrs. Thomas was a warm and gracious Christian lady whose kind disposition and unselfish service, as well as the words of encouragement she gave to others, endeared her to all those privileged to know her; and

WHEREAS, in the death of Mrs. Rachel Thomas, the community, her many friends, and her loving family, have indeed suffered an insupportable loss, which leaves them sorely bereft in grief, but with memories and their hopes of reunion to sustain them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we bow in submission to the will of God, we grievously mourn the death of Mrs. Rachel Thomas, and extend our deepest sympathy to all her family, for whom a copy of this resolution of sincere condolence shall be provided.

Approved February 18, 1994

Time: 9:33 A.M.

Act No. 94-108

S.J.R. 39 – Senator Sanders

SENATE JOINT RESOLUTION

DESIGNATING 1994 AS ANTI VIOLENCE YEAR IN THE STATE OF ALABAMA.

WHEREAS, violence is increasing in our communities, towns and municipalities, as well as in the rural areas of the State of Alabama; and

WHEREAS, this violence is destructive to our state in many ways; and

WHEREAS, the residents of Alabama must deal with the violence to save our state from destruction from within; and

WHEREAS, the residents of Alabama often totally depend on law enforcement and governmental agencies to deal with violence in their respective communities; and

WHEREAS, each resident has a responsibility and duty to assist our government and each other in dealing with violence in our communities; and

WHEREAS, the Legislature desires to assist in the prevention of violence in Alabama by focusing positive attention on methods to stop violence; and

WHEREAS, it is necessary that every individual in Alabama refrain from violence; and

WHEREAS, every church, organization, and group in Alabama should determine and implement ways that residents may individually and collectively help prevent violence in their communities; and

WHEREAS, it is fitting and proper that the Legislature declare 1994 as Anti-Violence Year in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That 1994 is hereby designated "Anti-Violence Year" in the State of Alabama, and we do further urge all county commissions, municipalities, boards of education, other government agencies, churches and organizations in Alabama to support the Legislature in its efforts to free our state from the destructive force of violence.

Approved February 18, 1994

Time: 9:34 A.M.

Act No. 94-109

S.J.R. 40 – Senator Corbett

SENATE JOINT RESOLUTION

COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure and pride that the Alabama Legislature recognizes Davina and Regina Hicks of Tuskegee, Alabama, who were chosen to represent Very Special Arts Alabama at the forthcoming Very Special Arts International Festival to be held May 4-8, 1994, in Brussels, Belgium; and

WHEREAS, Very Special Arts Alabama, ably directed by Dr. Mary Jean Sanspree, is a part of the Very Special Arts Program (VSAP) founded by Jean Kennedy Smith, which serves to enrich the lives of those with disabilities through the arts, and is affiliated with the John F. Kennedy Center for the Performing Arts in Washington, D. C.; and

WHEREAS, Davina and Regina Hicks, who will perform a dance routine at the event, and who are the twin daughters of Mr. and Mrs. Leo Hicks, are enrolled in the Very Special Arts Alabama Program at Tuskegee where, for the past eight years, they have studied dance under the capable guidance and instruction of Mary Jean Arrington; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as Alabama's representatives at the forthcoming Very Special Arts International Festival in Brussels, we hereby most highly commend and congratulate Davina and Regina Hicks of Tuskegee, Alabama, for whom a copy of this resolution shall be provided.

Approved February 18, 1994

Time: 9:35 A.M.

Act No. 94-110

S.J.R. 42 – Senator Waggoner

SENATE JOINT RESOLUTION

COMMENDING VINCENT JOHN GRAFFEO OF MOUNTAIN BROOK, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates and commends Vincent John (V. J.) Graffeo of Mountain Brook, Alabama, for having achieved the rank of Eagle Scout, the highest accomplishment in scouting and one which is reached by less than two percent of all participants in the Boy Scouts of America program; and

WHEREAS, V. J. Graffeo, the son of Anthony and Jo Ann Graffeo, and a sophomore at Mountain Brook High School, has demonstrated a record of achievement throughout his membership in Boy Scout Troop 320, which is sponsored by Mountain Brook Presbyterian Church; and

WHEREAS, in addition to his involvement and service with the Boy Scouts, V. J. is very active also in a number of organizations at Mountain Brook High School where he is a member of the National Honor Society, the Latin Club, and Future Business Leaders of America, among other affiliations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby

most highly commend Vincent John (V. J.) Graffeo on his attainment of the rank of Eagle Scout, and do further direct that he receive a copy of this resolution, with sincere best wishes for every future success in life.

Approved February 18, 1994

Time: 9:36 A.M.

Act No. 94-111

S.J.R. 44 – Senator B. Smith

SENATE JOINT RESOLUTION

RECOGNIZING HENRY O. EVERITT OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, It is with highest commendation that the Legislature of Alabama recognizes Henry O. Everitt on the occasion of his retirement, January 31, 1994, as Deputy Division Commander for Programs and Technical Management for the U.S. Army Engineering Division, Huntsville, Alabama, a position he has held since 1990, and the only senior executive service position in the Huntsville division; and

WHEREAS, Mr. Everitt has played a major role in a number of programs and projects of national and strategic importance over his tenure at the Huntsville division; as Chief Engineering Directorate (1985-1990), his responsibilities included management of such projects as acquisition of industrial facilities for munitions production and of high-tech electronic surveillance systems, environmental pollution clean-up, and support to NASA for acquisition of the Advanced Solid Rocket Manufacturing facilities; as Chief of the Systems Engineering Division (1980-85), he was responsible for support to the Strategic Petroleum Reserve, program development, management planning, and memoranda of agreement negotiations; and as Lead Project Manager (1978-1980), he was principally responsible for CONUS-wide management for the Army Pollution Abatement Program; and

WHEREAS, prior to joining the Huntsville division in 1968, in early assignments involving facility construction for the SAFE-GUARD Antiballistic Missile Defense System, Mr. Everitt, a graduate of Georgia Tech, served with Teledyne Brown Engineering, the Marshall Space Flight Center and the Army Missile Command; and

WHEREAS, Mr. Everitt, who was honored as "Distinguished President" by the Kiwanis Club of Huntsville (1980), also received the 1987 Senior Engineer of the Year Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of outstanding achievement and contributions to the U.S. Army Corps of Engineers, Huntsville Division, we hereby most highly commend Henry O. Everitt, for whom a copy of this resolution of sincere regard shall be provided.

Approved February 18, 1994

Time: 9:37 A.M.

Act No. 94-112

S.J.R. 45 – Senator Corbett

SENATE JOINT RESOLUTION

COMMENDING DAVINA AND REGINA HICKS OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure and pride that the Alabama Legislature recognizes Davina and Regina Hicks of Tuskegee, Alabama, who were chosen to represent Very Special Arts Alabama at the forthcoming Very Special Arts International Festival to be held May 4-8, 1994, in Brussels, Belgium; and

WHEREAS, Very Special Arts Alabama, ably directed by Dr. Mary Jean Sanspree, is a part of the Very Special Arts Program (VSAP) founded by Jean Kennedy Smith, which serves to enrich the lives of those with disabilities through the arts, and is affiliated with the John F. Kennedy Center for the Performing Arts in Washington, D. C., and

WHEREAS, Davina and Regina Hicks, who will perform a dance routine at the event, and who are the twin daughters of Mr. and Mrs. Leo Hicks, are enrolled in the Very Special Arts Alabama Program at Tuskegee where, for the past eight years, they have studied dance under the capable guidance and instruction of Mary Jean Arrington; and

WHEREAS, Barbara Jean Danner serves as the very special coordinator of the Very Special Arts Program at Tuskegee, and under her superior leadership and direction, VSAP at Tuskegee has been represented on three separate occasions for Very Special Arts Alabama by Corrine Adams, Janice Dunsmore, and now by Davina and Regina Hicks; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as Alabama's representatives at

the forthcoming Very Special Arts International Festival in Brussels, we hereby most highly commend and congratulate Davina and Regina Hicks of Tuskegee, Alabama, for whom a copy of this resolution shall be provided.

Approved February 18, 1994

Time: 9:38 A.M.

Act No. 94-113

H. 189 – Rep. Harper

AN ACT

To make an appropriation from the Home Builders Licensure Board Fund to the Home Builders Licensure Board for the fiscal year ending September 30, 1994; to further provide that the Board repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of this appropriation, and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Home Builders Licensure Board Fund to the Home Builders Licensure Board the sum of \$524,460 for the fiscal year ending September 30, 1994. This appropriation shall be expended in accordance with Sections 34-14A-1 through 34-14A-17, Code of Alabama 1975.

Section 2. The Home Builders Licensure Board is hereby directed to repay the loans made to the Board from the Departmental Emergency Fund which were in anticipation of the appropriation made in Section 1. Further, the Board shall make such repayments at the time of receipt of the appropriation made in Section 1.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1994

Time: 11:30 A.M.

Act No. 94-114

H. 112 – Rep. Collins

AN ACT

Relating to Lamar County; to provide for the holding of a nonbinding referendum election relating to the location of a Subtitle D landfill in Lamar County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. A referendum election which shall be nonbinding on the Lamar County Commission shall be held in Lamar County, Alabama, at which time the following question will be submitted to the voters: Do you favor the location of a Subtitle D landfill in Lamar County, Alabama, in so long as no toxic or hazardous waste will be allowed and in so long as garbage will be accepted only from Lamar, Fayette, Marion, Pickens and Winston Counties?

Section 2. Such election shall be held on the first Tuesday thirty days after the effective date of this act. The Probate Judge of Lamar County, Alabama, shall give notice of such election and in all other respects said election shall be conducted as other special elections are conducted in the State of Alabama. The cost of said election shall be paid out of the county general fund.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1994

Time: 2:35 P.M.

Act No. 94-115

S. 419 – Senator Windom

AN ACT

Relating to consumer credit transactions so as to set forth certain findings and declarations of the Legislature relating to disclosures in consumer credit transactions; to amend Section 5-19-6, Code of Alabama 1975, so as to confirm, clarify, and declare existing law that the provisions of Title 5, Chapter 19, do not require disclosures other than disclosures which may be required by regulations made by the Administrator, and certain other specified disclosures; to provide for disclosures, if any, by a creditor of real estate mortgage broker fees and points as has or may be described by judicial decision pursuant to Section 5-19-4(g) for a consumer loan or consumer credit sale that is subject to Section 5-19-4(g); to provide that except for the provisions of this act related to Section 5-19-4(g), the provisions of this act confirm, clarify, and are declaratory of existing law; to provide that the provisions of this act apply to consumer credit transactions entered into on, before, and after the effective date of this act; to provide for severability of the provisions of this act; to provide that Section 6-5-102 and Sections 8-19-1 through 8-19-15 are not repealed by this act; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature hereby finds and declares:

(1) The Alabama Consumer Credit Act, Title 5, Chapter 19, Code of Alabama 1975 (commonly referred to as the "Mini-Code"), was enacted by the Legislature by Acts 1971, No. 2052, page 3290.

All, or a portion, of the provisions of the Mini-Code apply to substantially all consumer credit transactions in Alabama involving many millions of dollars.

(2) It is important that consumer debtors in Alabama receive adequate disclosure of terms of consumer credit transactions. Also, public interest requires certainty in laws relating to consumer credit transactions, particularly those relating to disclosures and other requirements for enforceability of consumer credit transactions.

(3) The Mini-Code defines the term "finance charge" and establishes limitations on finance charges for certain consumer credit transactions. The Mini-Code contains no provision requiring any disclosure relating to finance charges.

(4) Pursuant to the provisions of Section 5-19-21 of the Mini-Code, the Administrator of the Mini-Code (the Superintendent of Banks of the State Banking Department) has the authority to establish rules and regulations pertaining to the Mini-Code.

(5) Federal laws, regulations, and interpretations, including the federal Truth-in-Lending Act and other federal consumer credit disclosure laws, establish a comprehensive system for disclosure of credit terms to consumers. The Administrator of the Mini-Code has determined that the disclosures presently required by federal law are adequate. To avoid confusion to consumers and conflicts with federal law and to provide certainty with respect to required disclosures, it is essential that any disclosures required by the Mini-Code in addition to those required by federal law be carefully considered, specifically stated, and prospective in application.

(6) Because of pending litigation, see, *Smith v. First Family Financial Services, Inc.*, 626 So. 2d 1266 (Ala. 1993), regarding disclosures, if any, of real estate mortgage broker fees and points which may be required pursuant to Section 5-19-4(g) in connection with a consumer loan or a consumer credit sale subject to Section 5-19-4(g), uncertainty exists as to whether the Mini-Code requires a separate disclosure of finance charges such as "yield spread premiums" or similar charges in connection with consumer loans, consumer credit sales or other consumer credit transactions which are not subject to Section 5-19-4(g). This uncertainty has caused Alabama lenders to be unable to determine what disclosures are required by the Mini-Code in a consumer credit transaction and has adversely affected the ability of holders of consumer credit transactions originated in Alabama to securitize or transfer many millions of dollars of existing consumer credit transactions. This uncertainty could result in a significant reduction in the amount of

consumer credit available to Alabama residents and thereby have a detrimental effect upon Alabama residents and businesses. An objective of this act is to remove this uncertainty so as to permit these consumer credit transactions to be securitized or transferred.

(7) It is the intent of the Legislature and the policy and purpose of this act to implement the above objectives by, except as relates to Section 5-19-4(g), confirming and clarifying the disclosure requirements, and the absence thereof, under the Mini-Code, and, further to make this act applicable to consumer credit transactions entered into on, before, and after the effective date of this act.

Section 2. Section 5-19-6, Code of Alabama 1975, is amended to read as follows:

“§5-19-6.

“(a) Any creditor, when extending credit with respect to a consumer credit sale, loan or lease other than open-end credit, shall at that time furnish to the debtor duplicate copies of all instruments executed by the debtor in connection with the transaction. The credit sale contract, loan note or lease shall contain the following statement in eight point type immediately above the space for the borrower’s signature.

“‘CAUTION — IT IS IMPORTANT THAT YOU THOROUGHLY READ THE CONTRACT BEFORE YOU SIGN IT.’

“(b) No disclosures are required by this chapter to be made by a creditor with respect to any transaction other than (i) disclosures required by regulations made by the Administrator pursuant to Section 5-19-21 and except as required in subsection (a) above and in Sections 5-19-12(a) and 5-19-20(b) and (ii) disclosures, if any, by a creditor of real estate mortgage broker fees and points as has been or may be described by judicial decision pursuant to Section 5-19-4(g) for a consumer loan or consumer credit sale that is subject to Section 5-19-4(g).

“(c) Without limiting the generality of subsection (b) and except for the provisions of subsection (b) (ii) related to section 5-19-4(g), there is no obligation or duty under this chapter to disclose to a debtor any agreement to assign or otherwise transfer a consumer credit transaction at a discount or that the assignee of, or person who funded, the consumer credit transaction agreed or may agree to pay the creditor or other person who originated the consumer credit transaction all or a portion of the prepaid finance charges and other fees and/or a portion of the finance charge to be paid by the debtor over the term of the transaction and/or other

compensation irrespective of how the compensation is determined or described.

“(d) Except for the provisions of subsection (b) which relate to Section 5-19-4(g), the provisions of this act confirm, clarify and are declaratory of existing law. The provisions of this act apply to consumer credit transactions entered into on, before, and after the effective date of the act adding this subsection.”

Section 3. The provisions of this act are severable. It hereby is declared to be the intent of the Legislature that if any part of this act (including without limitation any section, subsection or subpart) or the application thereof to any person or circumstance is declared invalid or unconstitutional, that declaration shall not affect the part which remains or the application of this act to any other person or circumstance.

Section 4. Section 6-5-102 and Sections 8-19-1 through 8-19-15 are not amended or repealed by this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 24, 1994

Time: 3:00 P.M.

Act No. 94-116

S.J.R. 46 – Senator Mitchem

SENATE JOINT RESOLUTION

COMMENDING BILLY RAINS OF GERALDINE, ALABAMA, FOR EXTRAORDINARY HEROISM.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Billy Rains of the Whiton community of Geraldine, Alabama, for extraordinary bravery in saving the life of another; and

WHEREAS, on August 18, 1993, Billy Rains was working on an oil platform 100 miles off the Louisiana Coast when the alarm sounded; a young crewman had been moving some grating when the material popped up, hitting him in the head and hurling him into the Gulf; and

WHEREAS, Mr. Rains, seeing the man floating face down in a pool of blood, and realizing the urgency of the situation, reacted

swiftly and without regard for his own personal safety, and dove 50 feet into the waters below; and

WHEREAS, driven to make every second count, he worked fervently, with the help of fellow crewman, to pull the man to the safety of a boat landing; reaching this point of safety, they were then able to get the man to an area where he could be lifted by crane to a higher level of the platform and transported by helicopter to a Lafayette, Louisiana hospital; and

WHEREAS, as a result of Mr. Rains quick and decisive actions, the man's prognosis for recovery is good despite critical injuries; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding heroism, we hereby most highly commend Billy Rains of Geraldine, Alabama, for whom a copy of this resolution of tribute shall be provided.

Approved February 25, 1994

Time: 8:30 A.M.

Act No. 94-117

S. 119 – Senator Corbett

AN ACT

To amend Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, inclusive, 34-27A-9 to 34-27A-20, inclusive, 34-27A-22 through 34-27A-27, inclusive and Section 34-27A-29 of the Code of Alabama 1975, the Alabama Real Estate Appraisers Act, to further provide for the licensing of real property appraisers; to provide for classifications of licenses; and to provide further for the operation of the board; and to repeal Section 34-27A-8 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-27A-2, 34-27A-3, 34-27A-5 to 34-27A-7, 34-27A-9 to 34-27A-20, inclusive, Sections 34-27A-22 to 34-27A-27, inclusive, and Section 34-27A-29 of the Code of Alabama 1975, are amended to read as follows:

“§34-27A-2.

“The following terms as used in this chapter shall have the following meanings:

“(1) APPRAISAL. A written statement that is independently and impartially prepared by an appraiser setting forth an opinion

of defined value of an adequately described property as of a specific date, supported by presentation and analysis of relevant market information.

“(2) APPRAISAL SUBCOMMITTEE; SUBCOMMITTEE. The appraisal subcommittee of the federal financial institutions examination council.

“(3) APPRAISAL FOUNDATION. The appraisal foundation incorporated as an Illinois not for profit corporation on November 30, 1987.

“(4) APPRAISAL REPORT. Any communication, written or oral, of an appraisal.

“(5) BOARD. The state of Alabama real estate appraisers board established pursuant to the provisions of this chapter.

“(6) CERTIFIED APPRAISAL OR CERTIFIED APPRAISAL REPORT. An appraisal or appraisal report given or signed and certified as such by a licensed real estate appraiser other than a trainee real property appraiser. When identifying an appraisal or appraisal report as ‘certified,’ the real estate appraiser shall indicate which type of license is held. A certified appraisal or appraisal report represents to the public that it meets the appraisal standards defined in this chapter.

“(7) EXECUTIVE DIRECTOR. The chief administrative employee of the board.

“(8) FEDERALLY RELATED TRANSACTION. Any real estate-related financial transaction which:

“a. A federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for, or regulates; and

“b. Requires the services of an appraiser.

“(9) FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCIES. The board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, the office of thrift supervision, and the national credit union administration.

“(10) FINANCIAL INSTITUTION. An insured depository institution as defined in section 3 of the Federal Deposit Insurance Act or an insured credit union as defined in section 101 of the Federal Credit Union Act.

“(11) LICENSED REAL ESTATE APPRAISER. Any individual who develops and communicates real estate appraisals and who holds a current, valid license for any classification of real estate appraiser issued to him or her under this chapter.

“(12) REAL ESTATE. An identified parcel or tract of land, including improvements, if any.

“(13) REAL ESTATE-RELATED FINANCIAL TRANSACTION. Any transaction involving any of the following:

“a. The sale, lease, purchase, investment in or exchange of real property, including interests in property, or the financing thereof.

“b. The refinancing of real property or interests in real property.

“c. The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

“(14) REAL PROPERTY. One or more defined interests, benefits, and rights inherent in the ownership of real estate.

“§34-27A-3.

“(a) It shall be unlawful for any person, partnership or corporation, for a fee or other valuable consideration, or with the intention or expectation of receiving or collecting a fee or valuable consideration from another, to do any of the following unless he or she is licensed under this chapter:

“(1) To be employed to perform or to perform an appraisal as defined in this chapter where the subject property of the assignment lies within the borders of the state of Alabama.

“(2) Present himself or herself, or allow himself or herself to be presented, as being able to perform an appraisal for which a license is required under this chapter.

“(b) It shall be unlawful for a person, other than a licensed real estate appraiser, to assume or use that title or any title, designation, or abbreviation likely to create the impression of licensure as a real estate appraiser by this state. It shall be unlawful for a person licensed as a real estate appraiser to assume or use a title, designation, or abbreviation likely to create the impression of licensure at a higher classification of real estate appraiser other than the classification at which the person is licensed. It shall be unlawful for a trainee real property appraiser pursuant to this chapter to describe or refer to any appraisal or other evaluation of real estate located in this state by the term ‘certified.’ Except where required by, or where necessary to fully comply with the provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73, as amended, and regulations issued pursuant thereto, an employee of the state of Alabama or any county who has been commissioned by the Alabama department of

revenue as an Alabama certified appraiser, for the purposes of classification only, who is engaged in the performance of official duties as an employee, shall not be subject to this chapter.

“(1) A trainee real property appraiser under this chapter, shall include the following statement in the ‘certifications of the appraiser’ section of each appraisal or specialized service report: ‘This assignment was made subject to regulations of the state of Alabama real estate appraisers board.’

“(2) A licensed real estate appraiser licensed other than a trainee real property appraiser shall include the following statement in the ‘certifications of the appraiser’ section of each appraisal or specialized service report: ‘This assignment was made subject to regulations of the state of Alabama real estate appraisers board. The undersigned state licensed real estate appraiser has met the requirements of the board that allow this report to be regarded as a ‘certified appraisal.’

“(c) Except where required by, or where necessary to fully comply with the provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73, as amended, and regulations issued pursuant thereto, this chapter shall not apply to, or preclude, a person who is not a licensed real estate appraiser from performing real estate market analysis, in that person’s capacity as a licensed real estate broker or sales person under this title and this chapter shall not apply to a licensed real estate broker or salesperson, who in the ordinary course of business, gives an opinion to a potential seller or third party as to the recommended listing price of real estate, or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate; and this chapter shall not apply to any employee, officers, director, partner, or similar person making a valuation, analysis, market study, or other appraisal for his or her employer or principal, including those related to any real estate related financial transactions for or on behalf of a financial institution. The words ‘employer or principal’ as used in this subsection shall include any subsidiary, parent, affiliate, or partner of the direct employer or principal. This chapter shall not require now or in the future any person who lists or otherwise offers property for sale to have an appraisal of that property.

“(d) Any person violating any of the provisions of subsections (a) through (c) shall, upon conviction thereof, be guilty of a Class A misdemeanor and shall be punished as prescribed by law.

“(e) Notwithstanding anything to the contrary in this section, an individual who is not a licensed appraiser may assist in the preparation of an appraisal if the following conditions are met:

“(1) The assistant is under the direct supervision of a licensed individual.

“(2) The final appraisal document is approved and signed by an individual who is licensed to perform that type of appraisal.”

“§34-27A-5.

“(a) The board shall act by a majority vote of its members to adopt administrative rules and regulations necessary, from time to time, to carry out this chapter. Rules and regulations of the board shall be adopted in compliance with the Alabama Administrative Procedure Act, Chapter 22 of Title 41.

“(b) The board shall have the following powers and duties:

“(1) To receive and process applications for licensure for all classifications of real estate appraisers, including, but not limited to, ‘Trainee Real Property Appraiser,’ ‘Licensed Real Property Appraiser,’ ‘Certified Residential Real Property Appraiser,’ and ‘Certified General Real Property Appraiser’ and any subsequent classifications necessary to conform with the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. 101-73, and any subsequent regulations issued pursuant thereto.

“(2) To establish the administrative procedures for processing applications for licensure for all classifications of real estate appraisers.

“(3) To maintain a registry of the names and addresses of people licensed under this chapter, and to furnish the list annually to the federal agency designated by congress to receive it.

“(4) To retain records and all application materials submitted to it.

“(5) To establish the examination specifications when an examination is required by administrative rule for each category of licensed real estate appraiser, to provide or procure appropriate examination questions and answers, and to establish procedures for grading examinations.

“(6) To approve or disapprove applications for licensure and issue licenses.

“(7) To further define by regulation and with respect to each category of licensed real estate appraiser the continuing education requirements for the renewal of a license that will meet the statutory requirements provided in this chapter. No examinations shall be required on the continuing education except to comply with subsection (c) of Section 34-27A-19.

“(8) To review and adopt the standards for the development and communication of real estate appraisals provided in this chapter,

that are generally accepted within the appraisal profession, and to adopt regulations explaining and interpreting the standards.

“(9) To establish administrative procedures for disciplinary proceedings conducted pursuant to this chapter.

“(10) To censure, suspend, and revoke licenses pursuant to the disciplinary proceedings provided for in section 34-27A-21.

“(11) To hire the executive director of the board who shall administer this chapter, and may employ, subject to the approval of the board, other staff members, consultants, or service contractors as are necessary to discharge the board’s duties and administer this chapter.

“(12) To perform other functions and duties as may be necessary in carrying out this chapter, and to promulgate necessary and appropriate regulations which comply in all respects with requirements of Pub. L. No. 101-73 and any subsequent amendments thereto. Regulations shall be promulgated within 90 days following completion of the schedule for prescription and adoption of regulations by the federal financial institutions regulatory agencies and the resolution trust corporation. Regulations shall be promulgated and take effect by (i) July 1, 1991, unless an extension is granted by the appraisal subcommittee until December 31, 1991, based on written findings as specified by section 1119(a)(2) of Pub. L. No. 101-73; or (ii) any other date specified by subsequent act of congress. All regulations issued by the board that govern real estate appraiser licensure and certification shall conform in all respects with the requirements of Pub. L. No. 101-73 and any subsequent amendments thereto and are subject to administrative review under the Administrative Procedure Act and to judicial review by application to the circuit court for Montgomery county.

“(13) To include in its regulations educational requirements for all classes of licensure of real estate appraisers that comply with this chapter and in all respects comply with the requirements of Pub. L. No. 101-73 and any subsequent amendments thereto or regulations issued thereunder.

“(c) The members of the board shall be immune from any civil action or criminal prosecution for initiating or assisting in any lawful investigation of the actions of, or any disciplinary proceeding concerning, a licensed real estate appraiser pursuant to this chapter, or alleged appraisals being made without a license, provided that the action is taken in good faith and in the reasonable belief that the action taken was pursuant to the powers and duties vested in the members of the board under this chapter.”

“§34-27A-6.

“(a) The board shall have the authority to set and regulate fees necessary for its operation as a self sustaining board which fees shall be adopted in compliance with the Alabama Administrative Procedure Act, Chapter 22 of Title 41.

“(b) All fees shall be paid into the Alabama real estate appraisers board fund for the purpose of carrying out this chapter.”

“§34-27A-7.

“(a) Applications for original license, renewal license, and examinations shall be made in writing to the board on forms approved by the board.

“(b) Appropriate fees, as fixed by the board pursuant to section 34-27A-6, shall accompany all applications for original license, renewal license, and examination.

“(c) At the time of filing an application for license for any real estate appraiser classification, each applicant shall sign a pledge to comply with the standards set forth in this chapter and state that he or she understands the types of misconduct for which disciplinary proceedings may be initiated against a licensed real estate appraiser, as set forth in this chapter.

“(d) A license for any real estate appraiser classification shall be issued only to, and held only by a person who meets all of the requirements of subdivisions (1) through (6) below and either subdivision (7) or (8) below:

“(1) Who is at least 19 years old and has a high school diploma or equivalent.

“(2) Who is a citizen of the United States or is an alien with permanent resident status.

“(3) Who, if a nonresident, agrees to sign an affidavit stating the following and in the following terms:

“‘I, as a nonresident applicant for an appraisal license and as a licensee, agree that the state of Alabama real estate appraisers board shall have jurisdiction over me in any and all of my real estate related activities the same as if I were an Alabama resident licensee. I agree to be subject to investigations and disciplinary actions the same as Alabama resident licensees. Further, I agree that civil actions may be commenced against me in any court of competent jurisdiction in any court of the state of Alabama.

“‘I appoint the executive director of the state of Alabama real estate appraisers board as my agent upon whom all disciplinary, judicial, or other process or legal notices may be served. I agree that service upon my agent shall be the same as service upon me and that

certified copies of this appointment shall be deemed sufficient evidence thereof and shall be admitted into evidence with the same force and effect as the original might be admitted. I agree that any lawful process against me which is served upon my agent shall be of the same legal force and validity as if personally served upon me and that this appointment shall continue in effect for as long as I have any liability as an appraiser remaining in the state of Alabama. I understand that my agent shall, within a reasonable time after service upon him or her, mail a copy of same by certified mail, return receipt requested, to me, at my last known business address.

"I agree that I am bound by all the provisions of the state of Alabama Real Estate Appraisers Act.

Legal Signature of Applicant'

"(4) Who is trustworthy and competent to transact the business of an appraiser in a manner that safeguards the interests of the public.

"(5) Whose application or license has not been rejected or revoked in any state within two years prior to date of application on any grounds other than failure to pass a written examination.

"(6) Whose membership in any nationally recognized appraisal organization has not been revoked under ethics procedures of the appraisal organization. Membership in an organization is not required by this chapter.

"(7) Who on applying for a license before July 1, 1991, provides evidence to the board of possessing basic appraisal skills by showing to the board that for a period of 24 months prior to application for an appraisal license, has operated within the state of Alabama, as a real estate appraiser or review appraiser or has been employed as a permanent employee, by a company, lending institution, or governmental agency located within the state of Alabama, that appraises real estate or reviews real estate appraisals and produces evidence to the board that he or she possesses those qualifications listed in sections 34-27A-10(a)(1) through (a)(7).

"(8) Who on applying for a license after January 1, 1991, provides evidence of having passed within 24 months prior to application a uniform standards of professional appraisal practice course presented by an approved institution or appraisal organization, provides evidence of having successfully completed the required education from an approved course provider for the real estate appraiser classification for which he or she is applying, and demonstrates basic appraisal skills by achieving a passing grade on the test requirements of section 34-27A-10."

“§34-27A-9.

“(a) There shall be four classes of real estate appraisers licensed by the board. The classes may be revised or other classes added if necessary to conform in all respects with the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73 (FIRREA), and any subsequent amendments and regulations issued pursuant thereto. The board shall make any revisions to the class titles or requirements for licensure thereof by rules adopted in compliance with the Alabama Administrative Procedure Act, Chapter 22 of Title 41, and Section 34-27A-5. All persons in all classes licensed by the board are bound by the Competency Provision of the Uniform Standards of Professional Appraisal Practice.

“(1) The ‘Trainee Real Property Appraiser’ classification applies to a person whose scope of practice is the appraisal of those properties which the supervising appraiser is permitted to appraise.

“(2) The ‘Licensed Real Property Appraiser’ classification applies to the appraisal of non-complex, one to four residential units having a transaction value less than \$1,000,000 and other types of real estate including complex, one to four residential units having a transaction value less than \$250,000.

“(3) The ‘Certified Residential Real Property Appraiser’ classification applies to the appraisal of one to four residential units without regard to transaction value or complexity and appraisals of other types of real estate having a transaction value of \$250,000 or less.

“(4) The ‘Certified General Real Property Appraiser’ classification applies to the appraisal of all types of real property regardless of complexity or transaction value.

“(b) The application for original licensure, renewal licensure, and examination shall specify the classification of licensure being applied for and the licensure previously granted.

“(c) A holder of a license issued prior to June 1, 1994, under Section 34-27A-7 who does not submit proof of required appraisal education and experience upon renewal shall be issued a license for the appraiser classification for which he or she meets the requirements.”

“§34-27A-10.

“(a) Except as provided in Section 34-27A-7, an original license as a licensed real estate appraiser shall not be issued to any person who has not demonstrated through a written examination process that he or she possesses all of the following:

“(1) Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate.

“(2) Appropriate understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing the data in carrying out appraisal disciplines.

“(3) Appropriate understanding of the standards for the development and communication of real estate appraisals as provided in this chapter.

“(4) Appropriate knowledge of the theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the classification of license applied for.

“(5) Knowledge of other principles and procedures as may be appropriate for appraisal assignments for the classification of license applied for.

“(6) Basic understanding of real estate law.

“(7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a licensed real estate appraiser, as set forth in this chapter.

“(b) Written examinations shall be consistent with the uniform state certification examination.

“(c) The board shall adopt subsequent examination requirements as required by or when necessary to fully comply with the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73 (FIRREA), and any subsequent amendments and regulations issued pursuant thereto.”

“§34-27A-11.

“(a) Certified General Real Property Appraiser Classification. As a prerequisite to taking the examination for licensure as a certified general real property appraiser, an applicant shall present evidence satisfactory to the board that he or she has successfully completed not less than 150 classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or college or university approved by the board, plus 15 classroom hours related to the uniform standards of professional appraisal practice and this chapter and has two years experience out of the last five years as an appraiser with a minimum of 2000 hours of appraisal experience.

“(b) Certified Residential Real Property Appraiser Classification. As a prerequisite to taking the examination for

licensure as a certified residential real property appraiser, an applicant shall present evidence satisfactory to the board that he or she has successfully completed not less than 120 classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university approved by the board, plus 15 classroom hours related to uniform standards of professional appraisal practice and the provisions of this chapter and has two years experience during the last five years as an appraiser with a minimum of 2000 hours of appraisal experience.

“(c) **Licensed Real Property Appraiser Classification.** As a prerequisite to taking the examination for licensure as a licensed real property appraiser, an applicant shall present evidence satisfactory to the board that he or she has successfully completed not less than 75 classroom hours of board approved courses in subjects related to real estate appraisal which shall include coverage of the uniform standards of professional appraisal practice. The individual shall have two years experience during the last five years with a minimum of two thousand hours of appraisal experience. If requested, experience documentation in the form of reports or file memoranda shall be available to support the experience claim.

“(d) **Trainee Real Property Appraiser Classification.** As a prerequisite to being approved as a trainee real property appraiser, an applicant shall present evidence satisfactory to the board that he or she has successfully completed 75 classroom hours of courses in subjects related to real estate appraisal which shall include not less than 15 classroom hours of the Uniform Standards of Professional Appraisal Practice. The trainee appraiser shall be subject to direct supervision by a supervising appraiser who shall be licensed or certified. The supervisor shall be responsible for the direct supervision of the trainee appraiser and both shall comply with the board’s administrative rules regarding record keeping.

“(e) The board shall amend the education and experience requirements by administrative rule for all appraiser classifications as required by or where necessary to fully comply with the provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73 (FIRREA), and any subsequent amendments and regulations issued pursuant thereto. Administrative rules shall be adopted in compliance with the Alabama Administrative Procedure Act, Chapter 22 of Title 41.”

“§34-27A-12.

“(a) An original certificate for any classification as a licensed real estate appraiser shall not be issued to any person who does not possess the required experience, if any, in real property

appraisal supported by adequate written reports, file memoranda, or other evidence satisfactory to the board.

“(b) Each applicant for licensure shall furnish, under oath, a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the board for examination appraisal reports or records which the applicant has prepared. At all times the confidential relationship between the appraiser and the client shall be maintained.”

“§34-27A-13.

“(a) Except for the initial license period, the term of a license issued under this chapter shall be two years expiring on September 30, 1993, and every two years thereafter. The expiration date shall appear on the license and no other notice of its expiration need be given to its holder.

“(b) License fees payable under Section 34-27A-6, shall be payable on a yearly basis. The initial license period shall be from the date of licensure through September 30 of the then current fiscal year.”

“§34-27A-14.

“(a) Every applicant for licensure under this chapter, who is not a resident of this state, shall submit with the application an irrevocable consent that service of process to the executive director of the board as provided in section 34-27A-7(d)(3), if, in an action against the applicant in a court of this state arising out of the applicant's activities as a licensed real estate appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal services upon the applicant.

“(b) A nonresident of this state who has complied with subsection (a) of this section may obtain a license as a licensed real estate appraiser by conforming to all of the provisions of this chapter relating to the classification of real estate appraiser for which the applicant is applying.

“(c) The board shall recognize on a temporary basis the certification or license of an appraiser issued by another state if (i) the appraiser's business is of a temporary nature, and (ii) the appraiser registers with the board.”

“§34-27A-15.

“(a) (1) To obtain a renewal license for any real estate appraiser classification, the holder of a current, valid license shall make application and pay the prescribed fee to the board between September 1 and September 30, and shall be delinquent after

September 30. With the application for renewal, the licensed real estate appraiser shall present evidence in the form prescribed by the board of having completed the continuing education requirements for renewal specified by the board.

“(2) If the board determines that an applicant has failed to meet the requirements for renewal of a license through mistake, misunderstanding, or circumstances beyond the control of the applicant, the board may extend the term of the license for a period not to exceed six months, upon payment by the applicant of a prescribed fee set by the board for the extension.

“(3) If the applicant satisfies the requirements for renewal during the extended term of license, the beginning date of the new renewal license shall be October 1.

“(b) If a person fails to renew a license for any classification of real estate appraiser prior to its expiration or within a period of extension granted by the board pursuant to this chapter, the person may obtain a renewal license by satisfying all of the requirements for renewal and by the payment of a late renewal fee as set by the board.”

“§34-27A-16.

“(a) The principal place of business referred to in this chapter shall be located in the state of Alabama and each licensed real estate appraiser shall advise the board of the address of his or her principal place of business and all other addresses at which he or she is currently engaged in the business of preparing real property appraisal reports.

“(b) Whenever a licensed real estate appraiser changes a place of business, he or she shall immediately give written notification of the change to the board.

“(c) Every licensed real estate appraiser shall notify the board of his or her current resident address. Residence addresses on file with the board are exempt from disclosure as public records.”

“§34-27A-17.

“(a) A license issued under this chapter shall bear the signature or facsimile signature of the executive director of the board and a license number assigned by the board.

“(b) Each licensed real estate appraiser shall place his or her license number adjacent to or immediately below the title of his or her classification when used in an appraisal report or in a contract or other instrument used by the license holder in conducting real property appraisal activities.”

“§34-27A-18.

“(a) The term ‘licensed real estate appraiser’ or ‘certified real estate appraiser’ may only be used to refer to individuals who hold the license and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in a manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the license.

“(b) No license shall be issued under this chapter to a corporation, partnership, firm, or group. This shall not be construed to prevent a licensed real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm, or group practice licensed to appraise real estate under this chapter.

“(c) Authority to transact business as a licensed real estate appraiser shall be restricted to the person named in the license and shall not inure to the benefit of any other person.”

“§34-27A-19.

“(a) As a prerequisite to renewal of a license to appraise real estate, the licensed real estate appraiser, licensed for any classification under this chapter, shall present evidence satisfactory to the board of having met the continuing education requirements of this chapter.

“(b) The board shall set, by administrative rule, the continuing education requirements for renewal of licenses for all classifications of real estate appraisers as required by or when necessary to fully comply with the provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73 (FIRREA), and any subsequent amendments and regulations issued pursuant thereto.

“(c) As a part of the continuing education requirements prescribed by the board in accordance with subsection (b), each licensed real estate appraiser shall be required to take and successfully complete at least once every six years a 15-hour course in current Uniform Standards of Professional Appraisal Practice as published by the Appraisal Standards Board of the Appraisal Foundation.

“(d) In lieu of meeting the requirements of subsection (b) an applicant for renewal may satisfy all or part of the requirements by presenting evidence of either of the following:

“(1) Completion of an educational program of study determined by the board to be equivalent, for continuing education purposes, to courses approved by the board pursuant to subsection (b).

“(2) Participation other than as a student in educational processes and programs approved by the board which relate to real property appraisal theory, practices, or techniques, including, but

not necessarily limited to, teaching, program development, and preparation of textbooks, monographs, articles, and other instructional materials.

“(e) The board shall adopt regulations for implementation of this chapter to assure that persons renewing their licenses have current knowledge of real property appraisal theories, practices, and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of this chapter. The regulations shall prescribe all of the following:

“(1) Policies, and procedures, and fees for obtaining board approval of courses of instruction pursuant to subsection (b).

“(2) Standards, policies, and procedures to be applied by the board in evaluating applicant’s claims of equivalency in accordance with subsection (c).

“(3) Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to board approval of courses for credit.

“(f) In adopting regulations pursuant to subdivision 1 of paragraph (e), the board may give favorable consideration to courses of instruction, seminars, and other real property appraisal education courses or programs previously or hereafter developed by or under the auspices of professional appraisal organizations and utilized by those associations for purposes of designation, or indicating compliance with the continuing education requirements of the organizations.

“(g) No amendment or repeal of a regulation adopted by the board pursuant to this section shall operate to deprive a licensed real estate appraiser of credit toward renewal of license for any course of instruction completed by the applicant prior to the amendment or repeal of the regulation which would have qualified for continuing education credit under the regulation as it existed prior to the repeal or amendment.

“(h) On or after October 1, 1991, a license to appraise real estate that has been revoked as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required by this chapter. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for certified real estate appraiser as a condition to reinstatement of a license.”

“§34-27A-20.

“(a) The board may investigate the actions of a licensed real estate appraiser on complaint or on its own motion, and may

revoke or suspend the license, levy fines as provided in subsection (c), or discipline by public or private reprimand a licensed real estate appraiser for any of the following acts or omissions:

“(1) Procuring or attempting to procure a license or certificate pursuant to this chapter by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for a license, or through any form of fraud or misrepresentation.

“(2) Failing to meet the minimum qualifications established by this chapter.

“(3) Paying money other than authorized by this chapter to any member or employee of the board to procure a license under this chapter.

“(4) A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a crime which is substantially related to the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals to others, or a conviction involving moral turpitude.

“(5) An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person, or with the intent to substantially injure another person.

“(6) Violation of any of the standards for the development or communication of real estate appraisals as provided in this section.

“(7) Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal, in preparing an appraisal report, or in communicating an appraisal.

“(8) Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal.

“(9) Willfully disregarding or violating this chapter or the regulations of the board for the administration and enforcement of this chapter.

“(10) Accepting an appraisal assignment, as defined in Section 34-27A-24, when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid is contingent upon the opinion, conclusions, or valuation reached, or upon the consequences resulting from the appraisal assignment.

“(11) Violating the confidential nature of governmental records to which he or she gained access through employment or engagement as an appraiser by a governmental agency.

“(12) Entry of a final civil judgment against the person on grounds of fraud, misrepresentation, or deceit in the making of any appraisal of real property.

“(13) Presenting to the board, as payment for a fee or fine, a check that is returned unpaid.

“(14) Failing to keep for at least five years, a complete record or file of appraisal or specialized assignments regulated under this chapter, in accordance with Uniform Standards of Professional Appraisal Practice and Section 34-27A-26.

“(15) Failing within a reasonable time to provide information requested by the board during an investigation or after a formal complaint has been filed.

“(16) Failing to pay by required deadlines, fees or fines levied by the board.

“(b) In a disciplinary proceeding based upon a civil judgment, the licensed real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

“(c) In addition to the disciplinary powers granted in subsection (a), the board may levy administrative fines for serious violations of this chapter or the rules and regulations of the board of not more than \$500.00 for each violation.”

“§34-27A-22.

“(a) The hearing on the charges shall be at a time and place prescribed by the board and in accordance with this chapter.

“(b) If the board determines that a licensed real estate appraiser is guilty of a violation of this chapter, it shall prepare a finding of fact and recommend that the appraiser be reprimanded or that his or her license be suspended or revoked. The decision and order of the board shall be final.

“(c) Any final decision or order of the board shall be reviewable by a court of appropriate jurisdiction as to the questions of law only. Any application for review made by an aggrieved party shall be filed within 30 days after the final decision or order of the board.

“(d) If an application for review of a final decision or order of the board is filed, the case shall be fixed for trial within 30 days from the filing of an answer by the board. If the court finds that the board has regularly pursued its authority and has not acted arbitrarily, it shall confirm the decision or order. Decisions of the board regarding whether to license or certify, to discipline, or to de-license or de-certify appraisers shall be final administrative action subject only to appropriate judicial review.”

“§34-27A-23.

“A licensed real estate appraiser shall comply with the current uniform standards of professional appraisal practice approved by the board.”

“§34-27A-24.

“(a) A client or employer may retain or employ a licensed real estate appraiser to act as a disinterested third party in rendering an unbiased estimate of value. In either case, the appraisal and the appraisal report shall comply with this chapter.

“(b) For the purposes of this chapter, the term ‘appraisal assignment’ means an engagement for which an appraiser is employed or retained to act, or would be perceived by the third parties or the public as acting, as a disinterested third party in rendering an appraisal.”

“§34-27A-25.

“A licensed real estate appraiser may not accept a fee for an appraisal assignment, as defined in section 34-27A-24, that is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion, or is contingent upon the opinion or valuation reached, or upon the consequences resulting from the appraisal assignment.”

“§34-27A-26.

“(a) A licensed real estate appraiser shall retain for five years, originals or true copies of all written contracts engaging his or her services for real property appraisal work, and all report and supporting data assembled and formulated by the appraiser in preparing the reports. This five-year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within the five-year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the five-year period for the retention of records shall commence upon the date of the final disposition of the litigation.

“(b) All records required to be maintained under this chapter shall be made available by the licensed real estate appraiser for inspection and copying by the board on reasonable notice to the appraiser.”

“§34-27A-27.

“There is established a separate special revenue trust fund in the state treasury to be known as the Alabama real estate appraisers board fund. All receipts collected by the board under this chapter and any interest earned on funds in the fund shall be deposited

in this fund and used only to carry out this chapter. The receipts shall be disbursed only by warrant of the state comptroller upon the state treasurer, upon itemized vouchers approved by the executive director of the board. No funds shall be withdrawn or expended except as budgeted and allotted according to sections 41-4-80 through 41-4-96 and 41-19-1 through 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations bill or other appropriate bills."

"§34-27A-29.

"It is the intent of the legislature of the state of Alabama that this chapter fully comply with the provisions of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73, any amendments thereto and regulations issued thereunder, and the board shall adopt administrative rules and regulations accordingly. The board shall not grant or deny a license for any classification of real estate appraiser by virtue of membership in or lack of membership in any particular appraisal organization."

Section 2. All laws or parts of laws which conflict with this act are repealed. Section 34-27A-8 of the Code of Alabama 1975 is repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. A license issued pursuant to Chapter 27A, Code of Alabama 1975, prior to the effective date of this act, shall continue to be valid until the expiration date of the license.

Approved February 25, 1994

Time: 8:31 A.M.

Act No. 94-118

S. 83 – Senator Foshee

AN ACT

To provide for the collection of insurance premiums and authorize an Alabama licensed insurance agent to charge and collect a fee on unpaid balances for insurance premiums, and amending Section 27-12-17, Code of Alabama 1975, for this purpose; to exempt the agent collecting a fee on unpaid balances for insurance premiums from the operation of Chapter 19 of Title 5, Code of Alabama 1975, regulating certain financial transactions, and Chapter 40 of Title 27, Code of Alabama 1975, regulating insurance premium finance companies, and amending Sections 5-19-31 and 27-40-2, Code of Alabama 1975, for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5-19-31, 27-12-17, 27-40-2, and Code of Alabama 1975, are amended to read as follows:

“§5-19-31.

“(a) The provisions of this chapter, except the provisions of subdivision (1) of section 5-19-1 and section 5-19-3, shall not apply to any loan, forbearance, credit sale, lease, or other transaction involving an interest in real property or the sale, lease, or mortgage of an interest in real property, where the creditor is a lending institution which is an approved mortgagee under the provisions of the National Housing Act or is exempt from licensing under this chapter, or to any other loan, forbearance, credit sale, lease, or other transaction that is not a consumer transaction or to any transaction by a trust institution as defined in section 5-12A-1(1), in its capacity as a fiduciary under any plan or agreement qualified under 26 USC 401(a) or defined by 5 USC 8437, 26 USC 403(b) or 26 USC 457 or a trust exempt under 26 USC 501.

“(b) This chapter shall not be construed to amend or repeal, without limitation, sections 5-18-1 through 5-18-24, inclusive, section 8-8-6, section 8-8-4, section 8-8-5, section 8-8-1.1, 8-8-14, 8-8-15, or sections 5-20-2 through 5-20-10, inclusive.

“(c) This chapter shall not apply to any lawful, bona fide pawnbroking business.

“(d) This chapter shall not apply to any insurance agent or agency licensed in Alabama that elects to charge a collection fee on unpaid balances for insurance premiums under Section 27-12-17. Such election must be made by stating such on the premium finance contract.

“(e) This section is intended to confirm and clarify existing law that none of the provisions of this chapter, other than the provisions of subdivision (1) of section 5-19-1 and section 5-19-3, apply to any transaction that is not a consumer transaction, or, where provided in section 5-19-31(a) to any transaction involving an interest in real property, whether or not a consumer transaction, or to any transaction of a trust institution described in section 5-19-31(a).”

“§27-12-17.

“(a) No person shall willfully collect any sum as premium or charge for insurance which insurance is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this title.

“(b) No person shall willfully collect as premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance and as specified in the policy in accordance with the applicable classifications and rates as filed with, and approved by, the commissioner or, in cases where classifications, premiums, or rates are not required by this title to be so filed and approved. The premiums and charges shall not be in excess of those specified in the policy and as fixed by the insurer. This section shall not be deemed to prohibit the charging and collection by surplus line brokers licensed under chapter 10 of this title of the amount of applicable state and federal taxes in addition to the premium required by the insurer; nor shall it be deemed to prohibit the charging and collection by a life insurer of amounts actually to be expended for medical examination of an applicant for life insurance or for reinstatement of a life insurance policy; nor shall it be deemed to prohibit an Alabama licensed agent from charging a collection fee of up to one and one-half percent per month on unpaid balances for insurance premiums.”

“§27-40-2.

“The provisions of this chapter shall not apply with respect to any of the following:

“(1) Any insurance company licensed to do business in this state.

“(2) Any banking or other financial institution regulated by the state, or savings and loan association, or credit union authorized to do business in this state, or any national banking institution or federal savings and loan association incorporated under the laws of the United States and located within this state.

“(3) ~~A charge for insurance in connection with an installment sale of a motor vehicle or boat or mobile home.~~

“(4) The financing of insurance premiums in this state in accordance with the provisions of this title relating to rates of insurance.

“(5) Any insurance agent or agency licensed in Alabama that charges a collection fee on unpaid balances for insurance premiums under Section 27-12-17 or under the Alabama Consumer Credit Act.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:32 A.M.

Act No. 94-119

H. 236 – Rep. Harper

AN ACT

Relating to Mobile County; to exempt the Mobile Arts and Sport Association and the Greater Gulf State Fair, Inc. and all persons, firms, or corporations that do business with the Greater Gulf State Fair, Inc. on its fairgrounds in Mobile County during its annual fair from the payment of all county and municipal sales and use taxes and licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile Arts and Sport Association is exempted from paying any county and municipal sales or use taxes.

Section 2. The Greater Gulf State Fair, Inc. and all persons, firms, or corporations that do business with the Greater Gulf State Fair, Inc. on its fairgrounds in Mobile County during its annual fair are exempted from paying any county and municipal sales or use taxes and licenses.

Section 3. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:33 A.M.

Act No. 94-120

H. 405 – Rep. Williams

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Ozark in Dale County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

EXHIBIT "I"

Beginning at a point in the SE1/4 of the NE1/4, Sec. 16, T5N, R24E, Dale County, Alabama on the present boundary of the corporate limits of the City of Ozark, Dale County, Alabama at the

centerline of Campground Road and running thence perpendicular to the centerline of said road N 38 degrees 50'50"E 40.00 feet to the northeast right-of-way which said point is 250 feet parallel to the east right-of-way of Lakeview Road (80' R.O.W.), thence N 19 degrees 58'16"E 265.50 feet of a line 250 foot parallel to Lakeview Road to a point that is 250 foot parallel to the northeast right-of-way of Campground Road (80' R.O.W.), thence S 50 degrees 21'18"E 1025.48 feet along said 250 foot parallel line to the beginning of a curve in the road and the point where the right-of-way changes to 60 feet, thence S 40 degrees 01'38"W 10.00 feet to the point where the 250 foot parallel line is continued, thence continue along said line a chord bearing of S 27 degrees 41'54"E and a distance of 3252.01 feet to the intersection of said line with a line that is 250 feet parallel to the north right-of-way of Harry Walker Road, thence S 89 degrees 06'13"E 1858.86 feet along the 250 foot parallel line to the north right-of-way line of Harry Walker Road to its intersection with the east line of the SW1/4 of the SE1/4, Sec. 15, T5N, R24E, thence S 0 degrees 53'12"E 275.00 feet along the said east forty line to the southeast corner of said forty and approximately the centerline of Harry Walker Road, thence S 89 degrees 06'28"E along the north section line of Sec. 22 1320.92 feet to the northeast corner of Sec. 22, T5N, R24E, thence S 0 degrees 52'36"E along the east section line of said section 2651.94 feet to the southeast corner of the SE1/4 of the NE1/4, thence S 27 degrees 27'48"W along the south forty line 2978.00 feet, thence S 42 degrees 41'36"W 118.41 feet, thence S 15 degrees 42'03"W 114.79 feet to the centerline of Deer Run Drive, thence N 70 degrees 34'46"W 907.95 feet along said centerline to the centerline of Campground Road, thence continue N 78 degrees 07'36"W 280.00 feet to a line that is 250 feet parallel to the west right-of-way of Campground Road (80' R.O.W.), thence a chord bearing of N 5 degrees 41'28"E and a distance of 339.84 feet along a line 250 feet parallel to said west right-of-way, thence S 89 degrees 30'31"W 25.00 feet, thence N 3 degrees 49'25"W 110.00 feet, thence N 6 degrees 00'49"W 78.63 feet, thence N 3 degrees 25'31"E 121.69 feet, thence N 14 degrees 31'39"W 150.00 feet, thence S 89 degrees 51'34"W 29.36 feet, thence N 16 degrees 37'54"W 150.00 feet, thence N 83 degrees 45'46"E 80.00 feet, thence N 17 degrees 52'01"W 100.00 feet, thence S 81 degrees 09'09"W 22.90 feet, thence N 13 degrees 01'58"W 80.70 feet, thence N 26 degrees 47'33"W 80.00 feet, thence N 89 degrees 19'32"W 210.61 feet to a line that is 400 feet parallel to the west right-of-way of Campground Road, thence a chord bearing of N 21 degrees 11'59"W and a distance of 2884.28 feet along said 400 foot parallel line to the south line of the NW1/4 of the SW1/4, Sec. 15, T5N, R24E, thence N 89 degrees 06'59"W 927.38 feet along said south forty line to the southwest corner of said forty and the west line of

Sec. 15, T5N, R24E, thence N 0 degrees 37'50"W 1547.20 feet along said section line to a line that is 250 feet parallel to the southwest right-of-way line of Campground Road (80' R.O.W.), thence a chord bearing of N 50 degrees 21'18"W and a distance of 608.51 feet along said 250 foot parallel line to the present corporate limits, thence N 39 degrees 02'33"E 290.00 feet along the present corporate limits to the centerline of Campground Road and the POINT OF BEGINNING. The herein described property being in and a part of the SW1/4 of SW1/4, SE1/4 of SW1/4, NW1/4 of SW1/4, NE1/4 of SW1/4 and SW1/4 of NW1/4, Sec. 15; being in the NW1/4 of NE1/4, NE1/4 of NE1/4 and SE1/4 of NE1/4 and being in and a part of the NE1/4 of NW1/4, SE1/4 of NE1/4 and SW1/4 of NE1/4, Sec. 22, T5N, R24E, Dale County, Alabama and containing 299 acres more or less.

EXHIBIT "J"

Beginning at a point on the present boundary line of the corporate limits of the City of Ozark, Dale County, Alabama at the northwest corner of the SW1/4, Sec. 20, T5N, R24E and leaving said corporate limits by running thence S 89 degrees 38'29"E along the north line of the SW1/4 2642.40 feet to the northeast corner of the SW1/4; thence S 0 degrees 35'08"E along the east line of the SW1/4 786.16 feet; thence N 89 degrees 24'52"E 150.00 feet; thence N 71 degrees 04'24"E 13.09 feet to a point that is 150 feet parallel to the north right-of-way of Will Logan Road; thence along the back of 150 feet deep lots S 64 degrees 29'31"E a chord bearing of 623.41 feet; thence N 71 degrees 03'54"E 158.20 feet; thence N 75 degrees 17'30"E 100.00 feet; thence N 0 degrees 32'20"W 1006.20 feet; thence N 89 degrees 27'40"E 350.00 feet; thence N 0 degrees 32'20"W 1701.24 feet; thence N 86 degrees 20'42"E 658.33 feet; thence N 44 degrees 57'26"E 183.67 feet; thence N 18 degrees 28'46"E 292.33 feet; thence N 52 degrees 34'06"E 103.92 feet; thence N 40 degrees 57'58"E 170.39 feet; thence N 65 degrees 05'45"E 266.36 feet to the east section line of Sec. 20; thence N 74 degrees 47'14"E along the east line 1579.67 feet to the southeast corner of Sec. 20; thence S 1 degree 01'42"E along the west section line of Sec. 28, T5N, R24E 866.23 feet to a point that is 250 feet parallel to the north right-of-way line of Will Logan Road; thence N 74 degrees 47'14"E along a line that is 250 feet parallel to the said right-of-way line 1579.67 feet; thence N 8 degrees 26'20"W 34.92 feet; thence N 73 degrees 23'30"E 424.99 feet; thence N 4 degrees 19'31"E 40.88 feet; thence N 77 degrees 54'25"E 249.04 feet; thence N 0 degrees 17'54"E 186.04 feet to the north section line of Sec. 28; thence N 0 degrees 35'28"W 1308.98 feet to the north line of the S1/4 of Section 21, T5N, R24E; thence S 89 degrees 24'05"E along the said north line 881.61 feet; thence S 0 degrees 51'06"E 1315.70 feet to the north section line of Sec. 28,

T5N, R24E; thence S 0 degrees 22'25"E 270.36 feet to a point that is 250 feet parallel to the north right-of-way of Will Logan Road; thence S 79 degrees 21'42"E along a line that is 250 feet parallel to the said right-of-way 874.50 feet; thence S 1 degree 23'26"E 937.35 feet to the north line of the SW1/4 of the NE1/4, Sec. 28; thence S 89 degrees 15'06"E 10.70 feet along the said north line to the intersection with the boundary of Fort Rucker at the northeast corner of the SW1/4 of the NE1/4; thence S 1 degree 23'26"E 1339.78 feet along the said boundary line and the east line of the SW1/4 of the NE1/4 to the southeast corner; thence N 89 degrees 24'20"W along the said boundary line and the south line of the N1/2 of Sec. 28 3956.11 feet to the west section line of Sec. 28; thence N 1 degree 01'42"W along the said boundary line and the west section line 1350.12 feet to the southeast corner of the N1/2 of the NE1/4, Sec. 29, T5N, R24E; thence S 89 degrees 40'25"W along the said boundary line and the south line of the N1/2 of the NE1/4 2649.67 feet to the southwest corner of the N1/2 of the NE1/4; thence leaving the said boundary line N 67 degrees 25'59"E 1397.35 feet to a point that is 250 feet parallel to the south right-of-way of Will Logan Road; thence N 45 degrees 59'05"W along a line that is 250 feet parallel to the said right-of-way a chord bearing of 1817.79 feet to its intersection with the east line of the SW1/4 of Sec. 20, T5N, R24E; thence S 0 degrees 35'08"E along the said east line 451.86 feet southeast corner of the SW1/4 of Sec. 20 and the intersection again with the boundary line of Fort Rucker; thence S 89 degrees 37'12"W along the said boundary line and the south section line of Sec. 20 2637.76 feet to the southwest corner of Sec. 20 and the intersection again with the present corporate limits of the City of Ozark; thence leaving the said boundary again and running along the east section line of Sec. 20 and the present corporate limits of the City of Ozark N 0 degrees 40'36"W 2698.60 feet to the point of beginning. The herein described property being the SW1/4, SE1/4 of SE1/4 and the NE1/4 of SE1/4 and being in and a part of the SW1/4 of SE1/4, NW1/4 of SE1/4 and the SE1/4 of NE1/4, Sec. 20, T5N, R24E; being in and a part of the SE1/4 of SW1/4 and the SW1/4 of SE1/4, Sec. 21, T5N, R24E; being the SW1/4 of NW1/4, SE1/4 of NW1/4 and the NW1/4 of NE1/4 and being in and a part of the NW1/4 of NW1/4, NE1/4 of NW1/4 and the NW1/4 of NE1/4, Sec. 28, T5N, R24E; and being the NE1/4 of NE1/4 and being in and a part of the NW1/4 of NE1/4, Sec. 29, T5N, R24E, Dale County, Alabama and containing 592 acres more or less.

EXHIBIT "K"

Commencing at the northwest corner of the NW1/4 of the NE1/4, Sec. 23, T5N, R24E, Dale County, Alabama on the present boundary of the corporate limits of the City of Ozark, Dale County, Alabama and running thence S 1 degree 01'02"E along the west

forty line of said forty and present city limits 435.63 feet, thence S 88 degrees 54'39"E continue along the present city limits 129.13 feet to the POINT OF BEGINNING on the present city limits where the proposed annexation will be joined at a point that is 250 feet parallel the west right-of-way of Alabama Highway No. 123. Thence S 88 degrees 54'39"E 560.60 feet along the present city limits where the two boundary lines joined to a point that is 250 feet parallel the east right-of-way of said highway, thence S 12 degrees 22'16"E a chord distance of 3233.13 feet of a 250 foot parallel line to said east right-of-way to the intersection with the centerline of Klondike Creek, thence S 23 degrees 03'56"W a chord distance of 797.54 feet along said centerline of Klondike Creek, thence N 47 degrees 47'14"W 942.91 feet, thence N 38 degrees 10'50"E 267.81 feet to a point that is 250 feet parallel to the west right-of-way of Alabama Highway No. 123, thence N 7 degrees 35'47"W a chord distance of 3085.53 feet of a 250 foot parallel line to said west right-of-way to the POINT OF BEGINNING. The herein described property being in and a part of the NW1/4 of NE1/4, SW1/4 of NE1/4, NW1/4 of SE1/4 and the SW1/4 of SE1/4, Sec. 23, T5N, R24E, Dale County, Alabama and containing 51 acres more or less.

EXHIBIT "L"

Commencing at the northwest corner of Sec. 16, T6N, R24E, Dale County, Alabama on the present boundary of the corporate limits of the City of Ozark, Dale County, Alabama and running thence S. 89 degrees 55'17"E 329.88 feet along the north section line of Sec. 16 and the present city limits of the POINT OF BEGINNING. Thence continue along the section line S 89 degrees 55'17"E 2309.16 feet to the northeast corner of the NW1/4 of Sec. 16, thence S 1 degree 13'15"W 1366.06 feet along the east line of the said NW1/4 to the intersection of said line with the present city limits, thence S 81 degrees 28'28"W 657.50 feet thence S 8 degrees 31'32"E 40.00 feet to a point that is 250 feet parallel to the north right-of-way of Jernigan Road, thence N 74 degrees 05'55"W a chord distance of 1503.18 feet of a 250 foot parallel line to the north right-of-way of said road, thence N 1 degree 02'39"E 769.56 feet thence N 69 degrees 48'36"W 222.30 feet, thence N 1 degree 02'39"E 247.99 feet to the POINT OF BEGINNING. The herein described property being the NE1/4 of NW1/4 and being in and a part of the NW1/4 of NW1/4, SW1/4 of NW1/4 and the SE1/4 of NW1/4, Sec. 16, T6N, R24E, Dale County, Alabama and containing 68 acres more or less.

EXHIBIT "M"

Beginning at a point on the present boundary line of the corporate limits of the City of Ozark, Dale County, Alabama, at the southeast corner of the SW1/4 of the SW1/4, Sec. 7, T6N, R24E, Dale County, Alabama and running thence N 89 degrees 57'02"W 920.79

feet along the south line of said section, thence N 39 degrees 08'46"E 84.56 feet, thence N 49 degrees 25'42"E 233.00 feet, thence N 38 degrees 45'15"W 25.50 feet, thence N 50 degrees 36'01"E 233.56 feet, thence S 40 degrees 02'43"E 33.50 feet, thence N 48 degrees 20'21"E 303.65 feet, thence N 42 degrees 53'30"E 420.00 feet to the east line of said forty, thence N 0 degrees 33'04"E 319.25 feet along the east line of said forty to the east right-of-way of Robin Parker Road, thence N 47 degrees 06'30"W 330.00 feet to a point that is 250 feet parallel to the west right-of-way of said road, thence S 45 degrees 07'52"W a chord distance of 972.49 feet along a 250 foot parallel line to the west right-of-way of said road, thence N 47 degrees 43'07"W 67.31 feet, thence S 50 degrees 02'56"W 485.66 feet to the west section line of said section, thence S 0 degrees 30'51"W 460.00 feet along the west section line of said section to the southwest corner of the section, thence S 89 degrees 36'18"W 2770.00 feet along the north section line of Sec. 13, T6N, R23E to the west right-of-way of U.S. Highway No. 231, thence S 31 degrees 48'55"E 438.93 feet along said west right-of-way to a point on the present boundary line of the corporate limits of the City of Ozark, thence along the present boundary line and west right-of-way S 27 degrees 08'05"E 208.23 feet, thence S 75 degrees 37'03"E 472.45 feet to the centerline of the CSX TRANSPORTATION RAILROAD, thence S 15 degrees 52'19"E 245.10 feet along said centerline, thence N 89 degrees 11'57"E 1920.31 feet to the east section line of Sec. 13, thence S 89 degrees 59'24"E 1341.61 feet to the east forty line of the NW1/4 of the NW1/4, Sec. 18, T6N, R24E, thence N 0 degrees 11'14"E 902.74 feet along the said east forty line to the POINT OF BEGINNING. The herein described property lying in and being a part of the NW1/4 of SW1/4 and the SW1/4 of SW1/4, Sec. 7, T6N, R24E, lying in and being a part of the NW1/4 of NW1/4, Sec. 18, T6N, R24E and lying in and being a part of the NE1/4 of NW1/4, NW1/4 of NE1/4 and the NE1/4 of NE1/4, T6N, R23E, Dale County, Alabama and containing 99 acres more or less.

Section 2. This description was written from a digitized tax map and does not represent an actual survey and should not be used for individual property conveyance.

Section 3. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the City of Ozark is on file in the office of the Judge of Probate in Dale County, Alabama, and the map is open to the inspection of the public.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:34 A.M.

Act No. 94-121

H.J.R. 133 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING JOHN T. MORGAN ACADEMY ON THE 1993 ALABAMA INDEPENDENT SCHOOL ASSOCIATION'S FOOTBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama herein most heartily congratulates John T. Morgan Academy, Selma, Alabama, on their 1993 State Football Championship of the Alabama Independent School Association (AISA); and

WHEREAS, John T. Morgan, in capturing the 1993 AISA State Title, by virtue of its 11-0 shot-out of Lowndes Academy in the Championship game, has won three consecutive State Football Crowns, and five out of the last six years; and

WHEREAS, this powerhouse of the AISA, with an overall 13-0 1993 season, holds a state record of 39 consecutive games, and the 13 seniors on the Morgan Academy football squad have never experienced a loss; and

WHEREAS, under the outstanding direction of Head Coach Mike Reans, and Assistant Coaches Tommy Garrett, Allen Robinson and Dennis Windle, the 1993 Morgan Academy State Champions are seniors, Steve Porter, Michael Dickinson, Wade Taylor, Wren Burns, Jason Tabor, Spivey Hardy, Ken Carmichael, Michael Moseley, Terry Gibson, Rich Schober, Brad Walton, Jamie Bender, and Jason Godwin; juniors, Billy Blanton, Tripp Bowie, Kenley Harrison, David Powell, Crawford Henry, Andy Turner, Jonathan McClendon, Bradley Barnes, Kory Taylor, Michael Sanford, Allen Bearden, Gregsby Gibbs, Robby Kee, and Rusty Henry; sophomores, Steven Tidwell, Paul Vardaman, Chad Anderson, Hardy Traylor, Hoffman Rhyne, Rodney Moore, Brandon Tubbs, Scott Weaver, Vaughan Russell, Joe Labbe, Brandon Holley, Larkin Deason, Trammell Henry, and Blake Jones; and freshmen, Robbie Howard and Logan Casey; along with managers John Brunson, Austin Godwin, Bryan Monk, Josh Smith, and Parker Windle; and

WHEREAS, supporting the team with enthusiasm, and directing the cheers of the Morgan Academy students and fans, were the 1993-1994 Varsity cheerleaders Mandy Cleveland (Head), Jennifer Edwards (Co-head), Kelli Burden, Jessica King, Julie Moore, Susan Speir, Amanda Burns (Secretary), Beth Bedgood, Ellen Henderson, Cindy Long, Callen Miller, and Kim Blackmon, sponsored by Ms. Jane Singley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

enthusiastically congratulate and commend John T. Morgan Academy of Selma, Alabama, on their outstanding football program, and the AISA 1993 State Football Championship, and do further direct that copies of this resolution be provided to Dr. Christopher deBuzna, Headmaster, for presentation to the team members, coaches and staff, and the Varsity Cheerleaders and their sponsor, and for appropriate display at John T. Morgan Academy.

Approved February 25, 1994

Time: 8:35 A.M.

Act No. 94-122

H.J.R. 134 – Reps. Gaston, Kvalheim

HOUSE JOINT RESOLUTION

COMMENDING E. ROBERTS LEATHERBURY OF MOBILE, ALABAMA, ON HIS SELECTION AS MAN OF THE YEAR FOR 1993 BY THE NATIONAL MARITIME SAFETY ASSOCIATION, INC.

WHEREAS, it is with great personal pleasure and pride that the Legislature of Alabama notes the selection of E. Roberts Leatherbury of Mobile, Alabama, as the National Maritime Safety Association's Man of the Year for 1993; and

WHEREAS, Mr. Leatherbury, one of the Mobile area's most prominent businessmen and civic leaders, is Vice President Corporate Development of Vectura Cargo Services, Inc., and is a ~~man~~ man of considerable stature within the maritime industry, which he has long and well-served since the onset of his career in 1957; and

WHEREAS, he has served on numerous negotiation and contract committees for Ryan-Walsh ports; has chaired the Labor Policy Committee of the Mobile Steamship Association, and also served on the association's board of directors and as chairman for a number of years; and is chairman of the Alabama State Pilotage Commission, a regulatory agency of pilots serving the Port of Mobile; and

WHEREAS, from 1980 to 1982, Mr. Leatherbury served as president of the National Maritime Safety Association, and is currently a member of its board of directors, among many other leadership contributions to the maritime industry; and

WHEREAS, E. Roberts Leatherbury has further provided outstanding leadership and support to the community as a director for AmSouth Bank, and as a former director of the Mobile Area Chamber of Commerce; and

WHEREAS, Mr. Leatherbury, an alumnus of Auburn University, also completed the Executive Development Management Course at the University of Tennessee's Graduate School of Business; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, and as the recipient of Man of the Year honors for 1993 by the National Maritime Safety Association, Inc., we hereby commend E. Roberts Leatherbury of Mobile, Alabama, for whom a copy of this resolution of tribute shall be provided.

Approved February 25, 1994

Time: 8:36 A.M.

Act No. 94-123

H.J.R. 135 – Rep. Hammett

HOUSE JOINT RESOLUTION

DESIGNATING THE CRUM FOSHEE HIGHWAY, BUTLER AND COVINGTON COUNTIES, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama Highway 55, commencing in Georgiana, Butler County, Alabama, and continuing to Andalusia, Covington County, Alabama, is hereby named and designated "The Crum Foshee Highway" in honor of our esteemed colleague and friend, Senator E. Crum Foshee.

Approved February 25, 1994

Time: 8:37 A.M.

Act No. 94-124

H.J.R. 141 – Rep. Higginbotham

HOUSE JOINT RESOLUTION

COMMENDING MACKENZIE JACKSON OF LEE COUNTY'S BEAUREGARD HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in a desire to recognize outstanding achievement by our state's youth, extends heartiest congratulations to Mackenzie Jackson, who will be leading the national organization, Health Occupations Students of America (HOSA), as its president for 1994-95; and

WHEREAS, Miss Jackson, a senior at Lee County's Beauregard High School in Opelika, Alabama, is currently serving the national organization as president-elect, which is the first of a three-year commitment to HOSA leadership, as her term next year as president will be followed by service in 1995-96 on the Executive Board; and

WHEREAS, Health Occupations Students of America has a nationwide membership of over 54,000 secondary and postsecondary vocational students enrolled in Health Occupations Education, and Mackenzie Jackson is a member of Alabama HOSA which was organized and is sponsored by the State Board of Education and the Division of Vocational Education; and

WHEREAS, the activities of HOSA are an integral part of the instructional program providing both occupational and leadership skills for Health Occupations Education Students, and, through her elevation to a leadership role at the national level, Miss Jackson has brought great credit upon herself, her school, community, and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most heartily congratulate and commend Mackenzie Jackson of Beauregard High School, Opelika, Alabama, and do further direct that she receive a copy of this resolution, with best wishes for every future success in life.

Approved February 25, 1994

Time: 8:38 A.M.

Act No. 94-125

S.J.R. 48 – Senators deGraffenried, Denton, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING CHARLES C. ROWE FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, with the March 1, 1994, retirement of Charles C. Rowe as Assistant Finance Director for Fiscal Affairs and State Budget Officer, the State of Alabama has suffered the loss of a dedicated and valued public official whose longtime career in fiscal management is widely acknowledged as superior in every respect; and

WHEREAS, a native of Boaz, Alabama, Mr. Rowe is a graduate of Macon County High School, received his B.S. degree from Auburn University, and was awarded the LL.D. degree by Livingston University; he is a United States Army veteran with three years of active duty from 1957 to 1960, received a direct commission as a Captain in the Air National Guard in 1966, and is retired with 21 years of continuous service; and

WHEREAS, in the course of Mr. Rowe's outstanding career in public fiscal management, he has held the highly responsible positions of Assistant State Budget Officer with the Finance Department from 1960 to 1971, Vice President for Business Affairs at Jacksonville State University from 1971 to 1988, and then most ably served in the positions he held at retirement; and

WHEREAS, also, during this period, he performed such additional duty assignments as Assistant Finance Director (1980-1981), Special Assistant to the State Finance Director and Legislative Liaison in 1983, and from 1983 to 1987, as State Budget Officer; moreover, while on active military duty and as a member of the Guard, his duty assignments included budget analysis, public information, and data processing, as well as other assignments in the area of finance; and

WHEREAS, Charles C. Rowe, over the years, has earned the respect and highest regard of his peers and associates throughout state government, and also the gratitude of the people of Alabama, whose best interests he has always served; he is a man of unquestionable honesty, a man whose character is beyond reproach, and a true friend to the many members of the Alabama legislature who have relied heavily upon his advice and counsel for more than three decades; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the State of Alabama and all citizens thereof, we hereby most highly commend Charles C. Rowe, whom we hold in warmest personal regard, and to whom a copy of this resolution of sincere tribute shall be presented.

Approved February 25, 1994

Time: 8:40 A.M.

Act No. 94-126

S.J.R. 49 – Senator Campbell

SENATE JOINT RESOLUTION

COMMENDING THE 1993-94 EAST LAWRENCE HIGH SCHOOL VARSITY CHEERLEADERS FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with sincere pride and pleasure that the Alabama Legislature recognizes the East Lawrence High School Varsity Cheerleaders for their many outstanding achievements; and

WHEREAS, ably instructed by Coach Charlotte Allen, members of the 1993-94 varsity team are Melinda Dunlap, Brad Long, Misty Witt, Kristina Shelton, Bridget Carraway, Kelly Dutton, Pam Micklow, Bridget Sneed, Brandi Wade, Monica Witt, and Allison Delashaw; and

WHEREAS, over the 1993-94 school year, this talented group of young people have served as worthy representatives for their school, community, and state, and have received a number of honors and awards including the 1993-94 3A-4A State Cheerleading Championship, and 6th place in the nation at the National Cheerleading Association competition; and

WHEREAS, also from among these, Brad Long finished among the top 15 in the nation for the Best Cheerleader Competition; Brad Long and Melinda Dunlap received the All-Star Cheerleader Award; Brad Long, Kristina Shelton and Pam Micklow were selected as All-American Cheerleaders for 1993-94 by NCA; and Brad Long, Brandi Wade, Bridget Carraway, and Kelly Dutton were All-Americans for 92-93; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the East Lawrence High School Varsity Cheerleaders, a group of young people of whom we are justly proud, and do further direct that a copy of this resolution be forwarded to principal K. Thomaskutty, for appropriate presentation and school display.

Approved February 25, 1994

Time: 8:41 A.M.

Act No. 94-127

S.J.R. 52 – Senator Langford

SENATE JOINT RESOLUTION

COMMENDING CAPTAIN KEVIN T. SMITH FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, the Alabama Legislature, in consensus of commendation recognizes Captain Kevin T. Smith, the first black fighter pilot in the 39-year history of the Alabama Air National Guard; and

WHEREAS, Captain Smith is a graduate of Alabama State University and commissionee of AFROTC Detachment 019, and one of only a few of such graduates to be dual rated as both a USAF pilot and navigator; and

WHEREAS, currently flying the F-16C with the 187th Fighter Group of the Alabama National Guard in Montgomery, Captain Smith attended undergraduate pilot training at Williams Air Force Base, Arizona, and received Top Flyer awards for both T-37 and T-38 aircraft, and finished in the top quarter of his pilot class in 1992; and

WHEREAS, he further completed Lead-In Fighter Training at Holloman Air Force Base, New Mexico, F-16 Training with the 162nd Fighter Group, Tucson, Arizona, and recently completed Upgrade Training in the F-16C at Luke AFB, Arizona; and

WHEREAS, Captain Smith, while training in F-16 Class 92-Basic Fighter Training, received the "Top Gun" Award for visual bombing of targets in the Arizona Desert; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and distinguished service to his state and country, we hereby most highly commend Captain Kevin T. Smith, for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 25, 1994

Time: 8:42 A.M.

Act No. 94-128

S. 118 – Senators Dixon and Corbett
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Telecommunications Division, Department of Finance.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Telecommunications Division, Department of Finance.

Section 2. The existence and functioning of the Telecommunications Division, Department of Finance, created and functioning pursuant to Sections 41-4-280 to 41-4-293, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:43 A.M.

Act No. 94-129

S. 196 – Senator Corbett

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Radiation Control Agency.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the State Radiation Control Agency.

Section 2. The existence and functioning of the State Radiation Control Agency, created and functioning pursuant to Section 22-14-4, Code of Alabama 1975, is continued, and that code section is expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:44 A.M.

Act No. 94-130

S. 198 – Senators Dixon and Corbett

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board Of Registration For Foresters with certain modifications; to amend Sections 34-12-8, 34-12-9, and 34-12-12, Code of Alabama 1975, so as to provide for revocation of licenses not timely renewed; and to provide for administrative fines and the institution of legal proceedings by the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Board Of Registration For Foresters, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board Of Registration For Foresters, created and functioning pursuant to Sections 34-12-1 to 34-12-37, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-12-8, 34-12-9, and 34-12-12 of the Code of Alabama 1975, are amended to read as follows:

“§34-12-8.

“(a) Licenses shall expire on the thirtieth day of September next following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify, at his last registered address, every person registered under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for one year. Such notice shall be mailed three months in advance of the date of the expiration of said licenses. Two subsequent monthly notices may be mailed, the second by certified mail, return receipt requested. The annual renewal fee for licenses shall be established annually by the board and shall not exceed \$100.00.

Renewal of licenses for the following year may be effected at any time during the three months preceding September 30 of the year in which such license has been issued or renewed by the payment of the renewal fee so fixed by this chapter. Licensees who renew their licenses between September 30 and December 31 of any year renewal is due shall pay a late renewal fee set by the board not to exceed \$100.00. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the armed services of the United States. A licensee who fails to renew a license by December 31 of any year renewal is due shall have the license revoked.

“(b) The state board shall adopt a program of continuing education for its licensees not later than October 1, 1991, and after said date no licensee shall have his active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met. It is further provided that the continuing education program herein required shall not include testing or examination of the licensees in any manner.”

“§34-12-9.

“The board shall have the power to revoke the license of any registrant who is found guilty by the board of gross negligence, incompetency or misconduct in the practice of forestry. The board is also additionally authorized to discipline its licensees by the imposition and collection of an administrative fine set by the board not to exceed five hundred dollars (\$500) per violation, and is authorized to institute any legal proceeding necessary to effect compliance with the chapter. All administrative fines collected by the board shall be deposited in the State Treasury in the ‘Professional Foresters Fund.’ The board is empowered to designate a person or persons to investigate and report to it upon any charges of fraud, deceit, gross negligence, incompetency or other misconduct in connection with any forestry practice against any registrant, as may come to its attention. Such person or persons so designated by the board shall receive the same compensation and shall be reimbursed for expenses in the same amount as the board as outlined in section 34-12-32. Any person may prefer charges of fraud, deceit, gross negligence, incompetency or other misconduct in connection with any forestry practice against any registrant. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred. The time and place for said hearing shall be fixed by the board, and a copy of the charges,

together with a notice of the time and place of the hearing, shall be personally served on, or mailed to the last known address of, such registrant, at least 30 days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him and to produce evidence and witnesses in his own defense. If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board may revoke the license of such registered forester. Any applicant whose license has been revoked as above may apply for a review of the proceedings with reference to such revocation of his license by the aforementioned circuit court and from there by appeal to the supreme court of Alabama. The only record to be considered by either the said circuit court or by the supreme court shall be the record made before the board. New evidence must be presented to the board, in session, before it may be used in court proceedings. The board, for reasons it may deem sufficient, may reissue a license to any person whose license has been revoked when three or more members of the board vote in favor of such reissuance. A new license to replace any license revoked, lost, destroyed or mutilated may be issued, subject to the rules of the board and a charge set by the board not to exceed \$25.00 for such issuance."

"§34-12-12.

"(a) Any person who shall practice or offer to practice the profession of forestry in this state without being registered or exempted in accordance with the provisions of this chapter; or any person who shall use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a forester, without being registered or exempted in accordance with the provisions of this chapter; or any person who shall present or attempt to use as his own the license of another; or any person who shall give any false or forged evidence of any kind to the board or any member thereof in obtaining a license; or any person who shall attempt to use an expired or revoked license; or any person, firm, partnership or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$500.00 for each offense. The board, or such person or persons as may be designated by the board to act in its stead, is empowered to prefer charges for any of the violations of this chapter in any county in this state in which such violations may have occurred. It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of this chapter and to prosecute any persons, firms, partnerships or corporations violating the same. The attorney general of the state and his assistants shall act

as legal advisers of the board and render such legal assistance as may be necessary in carrying out the provisions of this chapter.

“(b) All fines collected for the violation of any provisions of this chapter shall be paid over to the secretary of the board to be by him delivered to the state treasurer to be placed in the ‘professional foresters fund’ in the same manner as funds received for the issuance of licenses.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:45 A.M.

Act No. 94-131

S. 199 – Senator Corbett

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the ~~Alabama Surface Mining Commission~~ with certain modifications; to amend Section 9-16-73, Code of Alabama 1975, so as to delete references to the abolished Legislative Surface Mining Oversight Committee, and to limit members of the Surface Mining Commission to two full consecutive terms of office after the effective date of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama Surface Mining Commission, with the additional recommendations for statutory changes of the Commission as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama Surface Mining Commission, created and functioning pursuant to Sections 9-16-70 to 9-16-107, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 9-16-73 of the Code of Alabama 1975, is amended to read as follows:

“§9-16-73.

“(a) There is hereby continued as previously established the Alabama surface mining reclamation commission under the name of the Alabama surface mining commission for the purpose of transition in implementing and enforcing this article and carrying out the intent and policy stated in section 9-16-71 hereof. All members of the commission appointed under authority of section 9-16-33, shall continue their terms as created under that section until all reappointments and filling of vacancies have been filled in the manner as herein set out. At the expiration of any term, that member shall continue in office until an appointment occurs as herein set out. After the effective date of the act amending this section, no member shall serve more than two full consecutive terms of office.

“(b) The commission shall be composed of seven members, who are fair and reasonable citizens of the state, appointed by the governor, with the advice and consent of the senate. The governor shall initially appoint two members of the commission for a term of five years, two members for four years, two members for three years, and one member for two years. All members appointed subsequently shall be appointed for terms of five years.

“(1) One commission member shall be appointed from one of the three counties in Alabama which produce the greatest number of tons of surface mined coal, as indicated by the records of the state of Alabama in the complete fiscal year immediately preceding that appointment; and two commission members shall be appointed from any of the coal-producing counties in Alabama, as indicated by the records of the state of Alabama in the complete fiscal year immediately preceding that appointment. One commission member shall be appointed state at large.

“(2) One of the appointees to the commission shall be a professional forester duly registered pursuant to the laws of the state of Alabama with not less than 10 years’ experience in professional forestry. One of the appointees to the commission shall be a professional civil or mining engineer duly registered pursuant to the laws of the state of Alabama with not less than 10 years’ experience in professional engineering in surface mining or technologically related fields. One appointee to the commission shall be an attorney duly licensed to practice law in the state of Alabama having not less than 10 years’ experience in the active practice of law, the majority of whose years in practice shall have been in one of the three counties in Alabama which produced the greatest number of tons of surface mined coal as indicated by the records of the state of Alabama in the complete fiscal year immediately preceding that appointment.

“(c) Within 10 days of nomination by the governor, each nominee shall file with the secretary of the senate a verified statement

setting forth the following information: The names of all coal companies from whom such nominee has received any income of any sort during the 10 years immediately preceding such nomination; the name or names of all coal companies in which the nominee is or in the 10 years immediately preceding such nomination has been an officer, director, stockholder or partner; and all the names of all organizations, clubs and associations of which the nominee is or in the 10 years immediately preceding such nomination has been a member. No commission member may have a direct or indirect financial interest in underground or surface coal mining operations, and may not participate in any proceeding conducted pursuant to section 9-16-79 in which the commission member is an employee, officer, director, shareholder or partner or where any organization, club or association of which the commission member is a member, officer, agent, director or employee instigated the proceeding, is a defendant, or has any other direct interest in the outcome of the proceeding, other than as a member of commission.

"(d) The commission shall annually elect from among its members a chairman, a vice-chairman and such other officers as necessary to fulfill their duties. In the event of a vacancy among the commission members, the governor shall, within 90 days of being notified of such vacancy, make an appointment to such vacancy, which appointment shall be subject to the advice and consent of the senate at its next regular or special session of the legislature; in the event an appointee is confirmed, his term shall be for the balance of the term of the vacancy so filled.

The commission shall appoint a director of the Alabama surface mining commission, who must have a working knowledge of the surface and state surface mining statutes, rules and regulations, and shall fix his compensation. The commission may appoint a deputy director or as an unclassified position and the compensation of such deputy director shall be fixed by the commission subject to provisions of the state merit system. The director shall be the chief operating officer of the commission and shall be charged with exercising such powers, duties and functions as may be conferred upon him by the commission or this article, except the director shall not have the power to promulgate, modify, suspend or repeal any standards, rules or regulations provided for or authorized under this article. The director is authorized, subject to the approval of the commission, to create such divisions of his office as may be necessary to carry out its functions and may employ professional, technical, legal or clerical personnel as may be necessary to carry out the duties and functions of the commission. He may also, with the approval of the commission, contract with private persons, firms or corporations to provide professional or technical assistance or consultant services to assist his office in carrying out the purposes of this article.

“(f) The members of said commission shall receive as compensation \$75.00 per day for each day of official business as approved and validated by the chairman. The chairman shall receive \$100.00 per day for each full day he is occupied with business of the commission. The chairman is hereby authorized to approve and certify expenses of every member of the commission for reimbursement pursuant to article 2, chapter 7 of Title 36.

“(g) Five members of the commission shall constitute a quorum and recusal of a member shall not affect the quorum. The commission shall keep a complete and accurate record of all its meetings, a copy of which shall be kept on file in the office of the commission and open to public inspection. The commission shall meet at least once every 30 days, or at such more frequent occasions as the governor, the chairman or director determine a session is necessary to fulfill its duties and obligations.

“(h) The commission shall establish and maintain its principal office in Jasper, Alabama, and establish and maintain such field offices in other coal producing counties as it may consider necessary for the proper discharge of its duties.

“(i) Funds which are or may become available from any source, appropriations, or otherwise, to accomplish the purposes of this article shall be disbursed by the commission or by the director in accordance with rules prescribed by the commission.

“(j) The governor may remove any member of the commission from office for neglect of duty, malfeasance or misfeasance, after unanimous consent and agreement by the lieutenant governor, speaker of the house of representatives and attorney general of Alabama, by delivering to the member the charges against him in writing with at least 10 days’ written notice of the time and place at which the governor will publicly hear the member, who may appear either in person or by counsel, in defense of the charges against him. If the member is removed from office, the governor shall file with the secretary of state a complete statement of the charges made against the member and a complete report of the proceedings. The action of the governor removing a member from office is final.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:46 A.M.

Act No. 94-132

H. 264 – Rep. Campbell

AN ACT

Relating to Calhoun County; prohibiting certain types of entertainment, attire and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon any premises, within the unincorporated areas of Calhoun County, Alabama, licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on such premises.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds that nudity, sexual conduct, and the depiction or simulation thereof in conjunction with the furnishing of alcoholic beverages in public places is contrary to the safety, health, and morals of the inhabitants of Calhoun County, Alabama, and is desirous of prohibiting such conduct. This act is therefore enacted pursuant to the authority granted in Article IV, Section 104 of the Constitution of Alabama of 1901, that allows local legislation to regulate or prohibit alcoholic beverage traffic and as otherwise granted in the Constitution of Alabama of 1901.

Section 2. Definitions: The following words, terms and phrases as used herein shall have the meanings ascribed to them in this section except where the context clearly otherwise requires:

a. “Person” shall mean any natural person, firm, association, joint venture, partnership, corporation, or any other entity.

b. “Licensed establishment” shall mean any business operating pursuant to a license issued by the Alabama Alcoholic Beverage Control Board within an unincorporated area of Calhoun County, Alabama, which sells, serves, or dispenses alcoholic beverages or otherwise allows the consumption of alcoholic beverages on the premises.

Section 3. The following types of entertainment, attire, and conduct are prohibited upon any premises, of a licensed establishment, within the unincorporated area of Calhoun County.

a. The employment or use of any person, in any capacity, in the sale or service of alcoholic beverages while such person is unclothed or in such attire, costume or clothing, as to expose to view any portion of the female breast below the top of the areola,

or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva or genitals.

b. Live entertainment where any person appears in the manner described in paragraph a. of this section or where such persons perform, or person performs, acts of or acts which simulate any of the following:

(1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.

(2) The caressing or fondling of the breasts, buttocks, anus or genitals.

(3) The displaying of the male or female pubic hair, anus, vulva or genitals.

c. The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in paragraphs a. and b. above of this section; provided, however, that nothing contained in this Section 3 shall apply to the premises of any performance house, museum or theater which derives less than twenty percent (20%) of its gross annual income from the sale of alcoholic beverages.

Section 4. a. Any person violating any provision of this act shall, upon conviction, be punished by a fine of not less than one dollar (\$1) nor more than five hundred dollars (\$500) and may also be imprisoned in the county jail for a period of not more than six (6) months at the discretion of the court trying the case.

b. Any licensed establishment which knowingly allows any person to violate any provision of this act on the licensed establishment's premises shall also be subject to being prosecuted and punished under the general statutes of this state as if the violator were operating without a valid Alcoholic Beverage Control Board license.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:47 A.M.

AN ACT

Relating to Class 4 municipalities; to allow an increase in the composition of the waterworks and sewer board and board of education of any Class 4 municipality which has adopted a mayor-council form of government pursuant to Chapter 43B, Title 11, Code of Alabama 1975; and to amend Sections 11-50-313, Code of Alabama 1975, relating to the board of directors of county and municipal water, sewer, gas, and electric systems and 16-11-2, Code of Alabama 1975, relating to the city board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. In any Class 4 municipality which has adopted a mayor-council form of government pursuant to Chapter 43B (commencing with Section 11-43B-1) of Title 11, Code of Alabama 1975, the membership of the city board of education and the waterworks and sewer board may be increased to seven members. The additional members shall be appointed in the same manner as the present members are appointed and shall serve the same term as set by law. The initial appointments for the additional positions shall serve for full terms.

Section 2. Sections 11-50-313 and 16-11-2, Code of Alabama 1975, are amended to read as follows:

“§11-50-313.

“(a) Each corporation formed or the certificate of incorporation of which is amended under this article shall have a board of directors which shall constitute the governing body of the corporation, which board shall consist of at least three members. In any Class 4 municipality which has adopted a mayor-council form of government pursuant to Chapter 43B (commencing with Section 11-43B-1) of Title 11, ~~any corporation formed pursuant to this chapter may~~ have a governing body which shall consist of seven members.

“No fee shall be paid to any director for services rendered with respect to a sanitary sewer system. In any instance where the system or systems owned and operated by the corporation are any one or more of a water system, a gas system, and an electric system, the chair of the board of directors may, at the discretion of the governing body of the municipality with respect to which the corporation was primarily organized, be paid a director's fee in an amount to be set and established by the governing body each month for one system and ten dollars (\$10) each month for each additional system. Each member of the board of directors, other than the chair, may be paid a director's fee in an amount to be set and established by the governing body each month for the system. Notwithstanding the foregoing, where the municipality with respect to which the

corporation was primarily organized has less than 5,000 inhabitants according to the most recent official census, the maximum total amount of director's fees which may be paid to the chair of its board of directors shall not exceed twenty-five dollars (\$25) during any month, and the maximum total amount of director's fees which may be paid to any other member of the board of directors shall not exceed twenty dollars (\$20) during any month. In all cities having populations of not less than 6,500 nor more than 8,500 according to the most recent federal decennial census, the members of the board of directors, including the chair, may each be paid a director's fee in an amount not exceeding twenty-five (\$25) each month. In all cities having populations of not less than 12,500 nor more than 13,500 according to the most recent federal decennial census, the chair of the board of directors, at the discretion of the board, may be paid a director's fee in an amount not exceeding two hundred dollars (\$200) each month, and each member of the board other than the chair may be paid a director's fee in an amount not exceeding one hundred seventy-five dollars (\$175) each month. In all cities having populations of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census, the chair of the board of directors, at the discretion of the board, may be paid a director's fee in an amount not exceeding one hundred and twenty-five dollars (\$125) each month, and each member of the board other than the chair may be paid a director's fee in an amount not exceeding one hundred dollars (\$100) each month. In all cities located in Jefferson County, Alabama, the chair of the board of directors, at the discretion of the board, may be paid a director's fee in an amount not exceeding four hundred fifty dollars (\$450) each month for one system and fifty dollars (\$50) per month for each additional system; and each member of the board other than the chair may be paid a director's fee in an amount not exceeding four hundred dollars (\$400) each month for one system and forty dollars (\$40) per month for each additional system. All members of the board of directors of any corporation organized pursuant to this article shall be reimbursed for actual expenses incurred in and about the performance of their duties pursuant to this article.

"Any officer of the municipality shall be eligible for appointment and may serve as a member of the board of directors for the term for which he or she is appointed or during his or her tenure as a municipal officer, whichever expires first, and may receive a fee for his or her services, provided it is first approved by the board of directors. At no time shall the board consist of more than two officers of the municipality. The directors of the corporation shall be elected by the governing body of the municipality, and they shall be elected to hold office for staggered terms. The first term of office of

one director shall be two years, of another director shall be four years, and of a third director shall be six years, as shall be designated at the time of their election, and thereafter the term of office of each director shall be six years. The governing body of any municipality which has heretofore or hereafter authorized the creation of a corporation as provided in this article may increase the board of directors from three to five members to serve according to all the conditions and terms set forth in this article. In the event the governing body elects to increase the board of directors from three to five members, one member added to the board shall be appointed for a term of four years and the remaining member for a term of six years, and thereafter the term of each director shall be six years. At no time shall the board consist of more than three officers of the municipality. Any officer of the municipality appointed to serve as a member of the board of directors shall serve for the term for which he or she is appointed or during his or her tenure as a municipal officer, whichever expires first.

“(b) The governing body of any municipality which has a population of less than 5,000 according to the most recent federal census and which has heretofore or hereafter authorized the creation of a corporation as provided in this division may increase the board of directors from five to seven members to serve according to all the conditions and terms set forth in this division. In the event the governing body elects to increase the board of directors from five to seven members, one member added to the board shall be appointed for a term of four years and the remaining member for a term of six years, and thereafter the term of each such director shall be six years. At no time shall the board consist of more than three officers of the municipality. Any officer of the municipality appointed to serve as a member of the board of directors shall serve for the term for which he or she is appointed or during his or her tenure as a municipal officer, whichever expires first.”

“§16-11-2.

“(a) The general administration and supervision of the public schools and educational interest of each city shall be vested in a city board of education, to be composed of five members who shall be residents of the city, and who shall not be members of the city council or commission. In any Class 4 municipality which has adopted a mayor-council form of government pursuant to Chapter 43B (commencing with Section 11-43B-1) Title 11, the city board of education may be composed of seven members.

“(b) The members of the city board of education, who shall, except as hereinafter provided, serve without compensation, shall be chosen solely because of their character and fitness, but no person shall be appointed or elected to this board pursuant to this section

who is subject to the authority of the board. In cities having populations of not less than 50,000 nor more than 60,000 according to the most recent federal decennial census, not more than one classroom teacher employed by the board may serve as a board member and also as a classroom teacher.

“(c) Each member of the city board in cities having a population of 300,000 or more according to the last or any subsequent federal census shall receive fifty dollars (\$50) for each meeting of the board, whether special, regular or executive session, attended by him or her. No member shall receive more than one hundred and fifty dollars (\$150) during any one month. This compensation shall be paid from the city school funds in the manner provided for paying out of the city school funds.

“(d) Any city or town which has had the general administration and supervision of the public schools and educational interests of the city or town vested in a city board of education for a period of 20 years or more prior to August 15, 1951, may, except as may be provided by law, continue to have general administration and supervision of the public schools and educational interest under a local board of education regardless of any past or future federal census.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:48 A.M.

Act No. 94-134

H. 265 – Rep. Carter

AN ACT

Relating to the City of Athens in Limestone County; to authorize the municipal governing body to waive certain fees for the Habitat for Humanity.

Be It Enacted by the Legislature of Alabama:

Section 1. The municipal governing body of the City of Athens in Limestone County may waive, or authorize the waiver by any municipal utility board, any costs and fees for permits, water meters, sewer taps, the installation of temporary electric service poles, and other similar costs and fees for the Habitat for Humanity for the construction of housing for low-income residents of the city.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:49 A.M.

Act No. 94-135

H. 66 – Rep. Ford

AN ACT

Relating to Etowah County; amending Act No. 89-463, H. 535, 1989 Regular Session, which provides for the operation of bingo games in the county, to provide further for the definition of qualified organization and for the operation of the bingo games.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 5, 7, 9, and 10 of Act No. 89-463, H. 535, 1989 Regular Session, the Etowah County Bingo Act, are amended to read as follows:

“Section 2. As used in this act the following words shall have the following meanings as ascribed herein, unless the context clearly indicates otherwise:

“(1) ‘Bingo’ means that game commonly known as bingo where numbers or symbols on a card or paper sheet are matched with numbers or symbols selected at random.

“(2) ‘Qualified organization’ means a bona fide religious, educational, service, senior citizens, fraternal, or veterans’ organization located in and serving the people of Etowah County which operates without profit to its members and which has been in existence continuously as such an organization for a period of five years and is exempt from taxation by virtue of having been classified as a tax exempt nonprofit organization by the Internal Revenue Service, United State Government. The tax-exempt Etowah County Council on Aging is exempt from the time requirement.

“(3) ‘Person’ means any human being, corporation, association, or other legal entity.

“(4) ‘Permit holder’ means a qualified organization which has been issued a permit or license pursuant to this act.

“(5) ‘Location’ means a single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit or license issued under this act. bingo games shall be held only on the premises wholly owned by a qualified permit holder with exception to rental agreement in accordance with the provisions of this act.

“(6) ‘Bingo session’ means a consecutive period of time not to exceed five consecutive hours during which bingo is played in a given day and not to exceed two such days in a given week, except for special permit holders.

“(7) ‘Special permit holder’ means one who holds a permit for a special occasion and as provided by Section 5 of this act.”

“Section 5. (a) A qualified organization including an organization which holds a permit pursuant to Section 4 may apply for a special permit for conducting a bingo session at a designated location for a special occasion. Such an applicant shall submit to the sheriff a written application prepared in accordance with and on a form prescribed by rule of the sheriff. The application shall include the information required by subsection (b) of Section 4, except that the applicant shall indicate the day or days on which the applicant will conduct the bingo session for the special occasion. Upon a determination by the sheriff that the applicant is a qualified organization and is not ineligible pursuant to Section 14 and upon the applicant’s payment of the required fee under this subsection to the sheriff’s department, the sheriff may issue a special permit. The special permit fee shall be \$25.00 per day.

“(b) A special permit shall contain the name and address of the permit holder and shall specify the location and the day on which the permit holder may conduct the bingo session. Only one special permit may be issued each month and no more than one special permit per year may be issued to the same organization.

“(c) Special permits are not transferable or assignable.”

“Section 7. (a) It is the intention of the legislature that only qualified organizations which are properly issued permits or licenses, pursuant to subdivision (2) of Section 2 of this act, shall be allowed to operate bingo games. A qualified organization shall not lend its name or allow its identity to be used by any other person in operating or promoting a bingo game in which said other person is substantially financially interested.

“(b) All bingo cards or paper sheets shall be clearly marked with the name of the organization using said cards or paper sheets

and it shall be unlawful for one qualified organization to use cards or paper sheets owned by another.

“(c) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in such a manner as to exceed the limits in cash or gifts of equivalent value as provided in Section 10. The term ‘equivalent value’ shall mean the fair market value of the gift on the date the gift is given as the prize in a bingo game.

“(d) Any qualified organization may deduct the reasonable expenses of operating and conducting its bingo games as permitted herein. Reasonable expenses shall be defined as including customary and usual business overhead expenses.

“(e) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game.”

“Section 9. The net proceeds of a bingo game shall be devoted to the charitable or educational purposes of the qualified organization, pursuant to subdivision (2) of Section 2, provided, however, all reasonable expenses incurred or paid in connection with the holding, operating, or conducting of bingo, including the following bona fide expenses, in reasonable amounts, shall be allowed:

“(1) The purchase or rental of equipment necessary for conducting bingo and payment of services reasonably necessary for the repair of equipment.

“(2) Payment of cash prizes or the purchase of prizes of merchandise.

“(3) Reasonable rental or payment on the location at which bingo is conducted.

“(4) Utilities.

“(5) Janitorial services

“(6) The fee required for issuance or reissuance of a permit to conduct bingo.

“(7) Other reasonable expenses incurred by the permit holder, not inconsistent with this act.”

“Section 10. (a) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permit holder.

“(b) Prizes given by any organization for the playing of bingo games shall not exceed \$2,500 in cash or gifts of equivalent value during any bingo session, and shall not exceed \$5,000 for any calendar week.

“(c) A permit holder may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a permit holder to advertise bingo, the permit holder shall indicate in the advertisement the purposes for which the net proceeds will be used by the permit holder.

“(d) A permit holder shall conduct bingo games only at the location specified in the permit holder’s application.

“(e) No person under the age of 19 years shall be permitted to play, unless accompanied by a parent or guardian, any game or games of bingo conducted pursuant to any permit issued under this act. No person under the age of 19 years shall be permitted to conduct or assist in the conduct of any game of bingo conducted pursuant to any permit issued under this act.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:50 A.M.

Act No. 94-136

H. 80 – Rep. Campbell

AN ACT

Relating to Calhoun County; providing that the Tax Assessor and the Tax Collector of Calhoun County may contract with and may enter into contracts or other agreements with any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, for the purpose of providing all services, labor, supplies and other things, including but not limited to all calculations, notices and records necessary for the collection and distribution of certain payments in lieu of school ad valorem taxes; and providing further that all laws of the State of Alabama pertaining to the levy and collection of ad valorem taxes and to the assessment of property for ad valorem taxation shall be or become applicable to all payments in lieu of school taxes made pursuant to any and all contracts or other agreements entered into by any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, as if the payments in lieu of school taxes were ad valorem taxes, immediately upon this act becoming effective unless a later date is required pursuant to the Constitution of the United States of America or the Constitution of the State of Alabama, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Calhoun County, Alabama.

Section 2. (a) In addition to all other rights, powers, duties and authorities, the tax assessor and tax collector of Calhoun County may contract with and enter into contracts or other forms of agreements with any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality in Calhoun County or partially in Calhoun County, including but not limited to the Anniston Downtown Redevelopment Council, the Anniston Industrial Development Board, the Calhoun County Economic Development Council, and the Oxford Industrial Development Board, for the purpose of providing through and with employees, personnel, records, and equipment of the tax assessor's office and tax collector's office, all services, labor, supplies, and other things, including but not limited to all calculations, notices, and records necessary for the proper collection and distribution of payments in lieu of school ad valorem taxes, and for the collection and distribution of payments in lieu of school ad valorem taxes made pursuant to any and all contracts or agreements entered into between any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality in Calhoun County or partially in Calhoun County, including but not limited to the Anniston Downtown Redevelopment Council, the Anniston Industrial Development Board, the Calhoun County Economic Development Council and the Oxford Industrial Development Board, and any person, corporation, partnership or other entity.

(b) The contracts and other forms of agreements allowed by paragraph (a) of this section shall contain such provisions, covenants, and considerations as considered reasonable and necessary by the parties thereto.

Section 3. All statutes, acts and laws of the State of Alabama pertaining to the levy and collection of ad valorem taxes and to the assessment of property for ad valorem taxation shall be or become, as hereinafter provided, applicable to all payments in lieu of school taxes made pursuant to any and all contracts or agreements entered into by any industrial development board, other public corporation, or public authority heretofore or hereafter created by Calhoun County or any municipality therein or partially therein, including but not limited to the Anniston Downtown Redevelopment Council, the Anniston Industrial Development Board, the Calhoun County Economic Development Council, and the Oxford Industrial Development Board, and any person, corporation, partnership, or other entity, as if the payments in lieu of school ad valorem taxes were ad valorem taxes, immediately upon this act becoming effective or the earliest later date allowed pursuant to the Constitution of the United States of

America and the Constitution of the State of Alabama, as amended.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:51 A.M.

Act No. 94-137

H. 129 – Rep. Dolbare

AN ACT

Relating to Washington County; to provide for the distribution of the tax levied pursuant to Amendment No. 505 of the Constitution of Alabama of 1901, for fire protection, emergency medical and rescue services, and for a central communication agency for 911 of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Washington County.

Section 2. The Legislature declares that the county fire protection association, volunteer fire departments, and communication agency that receive funds pursuant to this act are organizations that are public in nature which promote the health, safety, and welfare of the citizens of Washington County.

Section 3. The proceeds of the tax levied by Amendment No. 505 of the Constitution of Alabama of 1901, shall be used exclusively for fire protection and emergency medical and rescue services delivered by fire protection agencies and for communication services related thereto.

Section 4. The proceeds of the tax shall be paid into a special county fund. Within 90 days after payment into the special fund, the county commission shall allocate the funds, plus any accrued interest, to the Washington County Association of Volunteer Fire Departments, all eligible volunteer fire departments in the county, and the central communications agency for 911. The Washington County Association of Volunteer Fire Departments shall receive an

amount not to exceed one percent of the gross receipts from the revenue from tax and any interest on the funds. The remainder shall be divided equally between all eligible volunteer fire departments and the central communications agency for 911. The central communication agency for 911 shall receive a portion equal to an eligible volunteer fire department. Disbursement of the funds shall be on a quarterly basis, with the payment to each eligible department and the central communication agency coming on the fifteenth day following the end of the county's fiscal quarter.

Section 5. For the purposes of this act, an eligible volunteer fire department shall mean a volunteer fire department located in Washington County which maintains an ISO approved rating or is certified under guidelines established by the Alabama Forestry Commission and is recognized by the Washington County Association of Volunteer Fire Departments with a fire district established and approved by the Washington County Commission. The central communications agency for 911 shall be the nonprofit agency established to assist all emergency services by providing a system of county-wide central communication and constant dispatch capabilities to all necessary agencies in a time of need or emergency.

Section 6. Funds paid to eligible volunteer fire departments and the central communications agency for 911 shall only be expended for fire protection, communications, and emergency medical and rescue services. The expenditures may include training, supplies, and equipment including expenditures related to providing buildings for fire stations. The funds may also be expended to purchase liability insurance to insure coverage of acts or omission which are directly related to the functions of a volunteer fire department or the central communications agency for 911, which are committed by a volunteer fire department or the central communication agency for 911 or their personnel. **The funds shall not be expended for salaries** of any volunteer fire department member, except for salaries of a paid telecommunicator directly under the direction and supervision of the central communication agency for 911. The funds shall not be expended for any type of social activities, food, or beverages.

Section 7. The volunteer fire departments and other agencies receiving funds pursuant to this act shall keep accurate records to verify that the funds were properly expended. All funds shall be subject to state audit at anytime and shall be used and expended in accordance with the state bid laws.

Section 8. No new volunteer fire department shall be funded within Washington County without the prior approval of the Washington County Association of Volunteer Fire Departments, the Alabama Forestry Commission, and the Washington County Commission.

Section 9. Upon the dissolution or abandonment of an eligible volunteer fire department as dissolution and abandonment are defined by the rules and by-laws of the Washington County Association of Volunteer Fire Departments, any remaining funds of the volunteer fire department distributed pursuant to this act or any assets purchased with funds distributed pursuant to this act shall, after all indebtedness has been satisfied, be transferred into the hands of the Washington County Association of Volunteer Fire Departments. The funds and assets shall be reallocated by the county association to other county volunteer fire departments.

Section 10. The personnel of volunteer fire departments provided for in this act shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments or the central communication agency for 911.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:52 A.M.

Act No. 94-138

H. 341 – Reps. Carothers, Beasley, Clark (J),
McDaniel, Rockhold, Curry,
Parker (T), Powell, Butler, Lindsey,
Gullatt

AN ACT

Relating to civil actions against architects, engineers, and certain licensed general contractors; to provide a statute of limitations of two years after a cause of action accrues or arises in certain cases; to provide that all causes of action and all rights of action which accrue more than thirteen years after the substantial completion of construction of an improvement to real property shall be barred; to provide when a cause of action accrues or arises; and to provide a savings clause to causes of action which have accrued prior to the effective date of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. As used in this act, the following words and phrases used herein shall have the following meaning ascribed to them:

(a) **BUILDER.** Any individual, partnership, firm, or corporation that constructed, or performed or managed the construction of, an improvement, or any portion thereof, on or to real estate, and at the time of the construction was licensed as a general contractor in the State of Alabama.

(b) **ARCHITECT.** Any individual who, at the time the architectural services were performed, was legally qualified to practice architecture and held an unexpired registration as an architect in the State of Alabama; any partnership, corporation, professional corporation, or professional association which, at the time the architectural services were performed, was legally qualified to practice architecture in the State of Alabama; and all employees or agents of the registered architect or of his or her entity or firm acting under the instruction, control, or supervision of the registered architect.

(c) **ENGINEER.** Any individual who, at the time the engineering services were performed, was legally qualified to practice engineering and held an unexpired registration as a professional engineer in the State of Alabama; any individual who, at the time the engineering services were performed, was legally qualified to practice engineering and was certified as an engineer-in-training in the State of Alabama; any partnership, firm, or corporation which, at the time the engineering services were performed, was legally qualified to practice engineering and held an unexpired certificate of authorization to practice engineering in the State of Alabama; and all employees or agents of the registered engineer or of his or her entity or firm acting under the instruction, control, or supervision of the registered engineer.

(d) **"SUBSTANTIAL COMPLETION OF CONSTRUCTION OR CONSTRUCTION OF IMPROVEMENT."** The time at which the construction of the improvement on or to real estate is sufficiently completed so that the owner, tenant, or other person can occupy or utilize the improvement, or a designated portion thereof, for the use for which it is intended.

(e) **"CAUSE OF ACTION ACCRUES OR ARISES."** The time when a person is injured, including injury which results in death, or when property is damaged as a proximate result of a defect or deficiency in design, planning, testing, supervision, administration, or observation of construction of an improvement by an architect or engineer or in the construction of an improvement on or to real estate, constructed, performed, or managed by a builder; or where the damage or injury either is latent or by its nature is not discoverable in the exercise of reasonable diligence at the time of its occurrence, the claim for relief shall be deemed to arise or accrue at the time the damage or injury is or in the exercise of

reasonable diligence should have been first discovered, whichever is earlier. The cause of action accrues or arises whether or not the full amount of damages is apparent at the time of the first injury or damage, and cannot be extended as a continuous wrong. Property damage shall include both physical damages to, and defective condition of, the property.

(f) **CONSTRUCTION, or CONSTRUCTED.** Includes building, constructing, erecting, fabricating, or assembling.

(g) **"IMPROVEMENT ON OR TO REAL PROPERTY."** Anything that is constructed on or to real property, whether on, under, or over land or water, that enhances the value of real property permanently for general uses, including, without limitation, buildings, structures, fixtures, walls, fences, locks, dams, embankments, bulkheads, docks, jetties, drilling and other platforms and rigs, highways, bridges, canals, ditches, waterways, railroads, sewers, pipelines, pole lines, storage tanks, machinery, equipment and other improvements, and any extension, alteration, addition, or portion thereof.

Section 2. (a) All civil actions in tort, contract, or otherwise against any architect or engineer performing or furnishing the design, planning, specifications, testing, supervision, administration, or observation of any construction of any improvement on or to real property, or against builders who constructed, or performed or managed the construction of, an improvement on or to real property designed by and constructed under the supervision, administration, or observation of an architect or engineer, or designed by and constructed in accordance with the plans and specifications prepared by an architect or engineer, for the recovery of damages for:

(i) Any defect or deficiency in the design, planning, specifications, testing, supervision, administration, or observation of the construction of any such improvement, or any defect or deficiency in the construction of any such improvement; or

(ii) Damage to real or personal property caused by any such defect or deficiency; or

(iii) Injury to or wrongful death of a person caused by any such defect or deficiency;

shall be commenced within two years next after a cause of action accrues or arises, and not thereafter. Notwithstanding the foregoing, no relief can be granted on any cause of action which accrues or would have accrued more than thirteen years after the substantial completion of construction of the improvement on or to the real property, and any right of action which accrues or would have

accrued more than thirteen years thereafter is barred, except where prior to the expiration of such thirteen-year period, the architect, engineer, or builder had actual knowledge that such defect or deficiency exists and failed to disclose such defect or deficiency to the person with whom the architect, engineer, or builder contracted to perform such service.

(b) This section shall apply to any civil action commenced against an architect, engineer, or builder as defined in this act, whether for his or her own act or omission or failure to act, for the act or omission or failure to act of his or her agents or employees, or for the act or omission or failure to act of any person or entity, its agents, or employees, who are acting under the instructions, control, or supervision of the architect, engineer, or builder.

(c) This section shall apply and extend to every action or demand, whether commenced by direct action, action for contribution or indemnity, or by counterclaim, cross-claim, or third party practice and whether commenced by an owner of the improvement or any other person.

(d) This section shall not apply to, shall not be a defense for, and does not proscribe a cause or right of action against any architect, engineer, or builder who, at the time the cause of action accrues or arises, is the owner or is in actual possession or control as owner, tenant, or otherwise of the improvement.

(e) When the architect, engineer, or builder has been the owner or the person in actual possession or control, in whatever capacity, of the improvement during the thirteen-year period after the substantial completion of construction of the improvement on or to real property, but not at the time the cause of action accrues or arises, the time of the ownership, possession, or control shall not be computed as a portion of the time necessary to create a bar for the action or of relief by virtue of the passage of time after the substantial completion of the improvement.

Section 3. Section 2 of this act shall be subject to all existing provisions of law relating to the computation of statutory periods of limitation for the commencement of actions, set forth in Sections 6-2-1, 6-2-2, 6-2-3, 6-2-5, 6-2-6, 6-2-8, 6-2-9, 6-2-10, 6-2-13, 6-2-15, 6-2-16, 6-2-17, 6-2-30 and 6-2-39(b), Code of Alabama 1975, as amended. Notwithstanding any provisions of Section 6-2-8, no disability set forth in Section 6-2-8 shall extend the period of limitations set forth in Section 2 of this act so as to allow such action to be commenced more than thirteen years after the cause of action accrues; provided further, that notwithstanding any provisions of such sections, no relief can be granted for any cause of action which accrued, and any right of action is barred which would have

accrued, more than thirteen years after the substantial completion of construction of such improvement.

Section 4. This act shall not apply to civil causes of action in tort, contract, or otherwise, which accrued or arose prior to the effective date of this act. Where construction was completed but no civil cause of action accrued prior to the effective date of this act, this act shall apply to the construction of the improvement on or to real estate, and, for the purposes of the time limitations provided in this act, substantial completion of construction of the improvement on or to real estate shall be deemed to be the effective date of this act, but shall not revive any cause of action barred under existing law.

Section 5. This act shall not be construed to create any cause of action against, or impose any liability on, or revive any cause of action barred under existing law against any architects, engineers, or builders, or any licensed real estate brokers or salesmen, or any other persons.

Section 6. It is the purpose and intent of the Legislature in connection with all actions against architects and engineers, who perform or furnish the design, planning, specifications, testing, supervision, administration, or observation of the construction of an improvement on or to real property, and builders who construct, perform, or manage the construction of an improvement on or to real property designed by and constructed under the supervision, administration or observation of, or in accordance with the plans and specifications prepared by, an architect or engineer, to limit the time for commencement of an action to a period of two years from the date a cause of action accrues and to bar all causes of action and rights of action which accrue more than thirteen years after substantial completion of such improvement. The Legislature finds that this classification distinguishing architects, engineers, and builders is rationally and reasonably related to the legislative regulatory scheme and is valid. The Legislature has declared that the practices of architecture and engineering are subject to regulation and control in the public interest and has established high professional standards which must be met by architects and engineers to qualify them to practice architecture and engineering in the State of Alabama. These requirements imposed by the Legislature make the practices of architecture and engineering learned professions fully regulated and accountable to the state and members of the public. Regulation has also been imposed by the Legislature upon general contractors who construct such improvements on or to real property. Builders distinguished in this act are those licensed as general contractors who construct, or perform or manage the construction of, such improvements designed by and constructed under the supervision, administration or observation of, or

in accordance with the plans and specifications prepared by an architect or engineer.

This act bears a reasonable relationship to the proposed legislative objective of limiting the period of liability for architects and engineers and builders whose professional services or work on improvements to real property generally ends at the time of substantial completion of the improvement. While protecting architects and engineers from exposure to liabilities for injuries and damages occurring long after the completion of their professional architectural and engineering services and builders as defined from exposure to liabilities for injuries and damages occurring long after the completion of their work, the act imposes no unfair burden on the injured party for he or she is still afforded an avenue of legal action to seek redress from those who are more likely to have been responsible for or could have prevented such injury.

It is the legislative intent and purpose to establish a single period of limitation for all civil actions, whether in tort, contract or otherwise, commenced against architects and engineers and builders, which limitation period is two years from the date the cause of action accrues. This limitation period is equally applicable to actions in tort which currently must be commenced within two years from the date injury occurs, and those founded on contract which currently may be commenced within two years for oral contracts, six years for written contracts, or ten years for written contracts under seal after the completion of the contract work. The proposed two-year statute provides a uniform period of two years for filing all causes of action against architects in tort, contract, or otherwise, but provides that the statute of limitation does not commence until the time of injury or damage, which extends the commencement of the time for filing contract actions, or where latent or by its nature not reasonably discovered, does not commence until the time of discovery—thereby applying for the first time to both these tort and contractual actions, the so-called “discovery rule.” These changes accrue to the benefit of the injured party, and the Legislature finds that this benefit constitutes an adequate quid pro quo for abolishing rights of action which have not accrued within thirteen years of substantial completion of their work.

It is the further legislative objective to provide for the abolishing of rights of action against architects and engineers and builders which would have accrued after the passage of thirteen years from the substantial completion of the construction of an improvement on or to real property, except rights of action for breach of written express warranties, contracts, or indemnities which extend beyond thirteen years. Where causes of action accrue during the thirteen years from completion, an action may be brought within two years

of accrual even though this extends beyond the thirteen-year period. This permits all injured parties a period of two years to file suit unless already barred because the cause of action accrues after the passage of thirteen years, which would in certain circumstances permit the filing of an action up to fifteen years after the completion of the improvement (or up to two years after the expiration of written express warranties, contracts, or indemnities).

The legislative objective of abolishing potential liabilities of architects and engineers and builders after the passage of a sufficient period of time from the completion of their work is rationally and reasonably related to the permissible state objective of removing responsibility from, and preventing suit against these regulated professions and builders which are least likely to be responsible or at fault for defects and deficiencies which cause injury long after their services or work is completed. The Legislature has deemed that, after a lapse of time of more than thirteen years without incident, the burden on the courts to adjudicate, the complexities of proof with the obstacle of faded memories, unavailable witnesses and lost evidence, and even where evidence is available, the opportunity for intervening factors such as acts or omissions of others in inadequate maintenance, improper use, intervening alterations, improvements and services, and other negligence, and such as changes in standards for design and construction and changes in building codes, and the burden on architects and engineers and builders, who have no control over the improvements after their services are completed, to disprove responsibility after acceptance and years of possession by other parties, all weigh more heavily in favor of repose or the abolishing of rights of action against architects and engineers and builders than allowing adjudication of the few, if any, meritorious claims which might have accrued thereafter. The Legislature finds that the burden of tenuous claims upon both the courts and architects and engineers and builders sufficiently vindicates the denial of a right of action after the passage of a period of thirteen years from the substantial completion of the construction of the improvement.

Section 7. Nothing contained in this act shall be construed to abrogate any cause of action for products liability, or for breach of warranty, or for violation of the Alabama Extended Manufacturer's Liability Doctrine, or bar any cause of action or right of action against any party other than an architect, engineer, or builder as defined in this act.

Section 8. Nothing contained in this act shall be construed to bar, prior to the expiration of a written express warranty, contract, or indemnity, causes of action or rights of action in contract against architects, engineers, and builders as defined in this act arising out of breach of contract for written express warranties, contracts, or

indemnities which by the written terms thereof shall extend beyond the period of thirteen years after the substantial completion of construction of an improvements on or to the real property. Any written express warranty, contract, or indemnity for the purposes of an action in contract based upon the written express warranty, contract, or indemnity shall be enforceable for the period of time specified in writing, and all civil actions in contract arising out of the written express warranty, contract, or indemnity against any architect, engineer, or builder who gave the written express warranty, contract, or indemnity must be commenced within two years next after the cause of action accrues or arises, and not thereafter; and no relief can be granted and shall be barred on any cause of action which accrues after the expiration of the term or period of said written express warranty, contract, or indemnity.

Section 9. Nothing contained in this act shall be construed as affecting any period of limitation for any cause of action arising out of or relating to the sale or disposition of real estate, or against any person other than architects, engineers and builders as defined in this act.

Section 10. It is expressly provided that each section, subsection, clause, provision or portion of this act shall be construed as inseparable and nonseverable from all others, and in the event that any section, subsection, clause, provision or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, the entire act and each section, subsection, clause, provision or portion thereof shall be inoperative and have no effect.

Section 11. All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 8:53 A.M.

Act No. 94-139

H.J.R. 164 – Rep. Richardson

HOUSE JOINT RESOLUTION

COMMENDING THE NORTH JACKSON HIGH SCHOOL CHIEFS ON THE 1993 STATE CLASS 4A FOOTBALL CHAMPIONSHIP.

WHEREAS, the Alabama Legislature is greatly pleased to congratulate the North Jackson High School Chiefs as Alabama's 1993 State 4A Football Champions; and

WHEREAS, the North Jackson Chiefs, under the talented leadership of Head Coach Phillip Lolley, and ably assisted by Coaches Mark Farmer, Barry Shrader, Jim Thomas, Rodney Rogers, Chris Jones, Vic Griggs, and Randy Kirkpatrick, advanced to the State Play-offs, where they outscored their five collective opponents 137-29, including a 39-0 shutout over Cherokee County, and impressive wins over Cleburne County (28-2), Fayette County (28-7), Piedmont (21-6), and over Daleville High, 21-14, in the Title game; and

WHEREAS, the "Super" Chiefs, with a record of 14-1, averaged 34.9 points per game in regular season play while ceding an average of only 4.9 points per game to their opponents; overall, including the playoffs, they posted 7 shutouts, averaged 32.4 points per game, and allowed their opponents an average of only 5.2 points per game, or less than a touchdown each week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exceptional achievement, we hereby most highly commend Coach Phillip Lolley, his staff, and the North Jackson High School Chiefs on the 1993 State Class 4A Football Championship, and direct that copies of this resolution be forwarded to Principal Kenneth R. Harding for appropriate presentation and school display.

Approved February 25, 1994

Time: 8:54 A.M.

Act No. 94-140

H.J.R. 165 – Reps. Haynes, Johnson

HOUSE JOINT RESOLUTION

COMMENDING CHARLES OLIVER WHITE OF SYLACAUGA, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, the Legislature of Alabama, in consensus of highest commendation, recognizes Charles Oliver White of Sylacauga, Alabama, on the occasion of his retirement, February 25, 1994, following longtime dedicated service as a firefighter for the City of Sylacauga; and

WHEREAS, Fireman White, a graduate of the Alabama Fire College (1990) and the National Fire Academy (1991), has been

employed by the City of Sylacauga as a firefighter since September of 1969, and, over his long and distinguished tenure of public service has shown utmost commitment to his duties and responsibilities along with a special care and concern for the safety and well-being of his fellow citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement February 25, 1994, and in recognition of outstanding service to the Sylacauga community, we hereby most highly commend Charles Oliver White, for whom a copy of this resolution shall be provided with sincere best wishes for every future happiness and success in retirement.

Approved February 25, 1994

Time: 8:55 A.M.

Act No. 94-141

H.J.R. 166 – Reps. Butler, Hall (A), Freeman, Sanderford, Haney, Hall (L), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Delbano, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry,

Perdue, Petelos, Poole, Powell,
 Rich, Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

RECOGNIZING THE GEORGE C. MARSHALL SPACE FLIGHT CENTER, THE CITY OF HUNTSVILLE, MADISON COUNTY AND THE U. S. SPACE & ROCKET CENTER DURING THE 25TH ANNIVERSARY OF THE FIRST MANNED MOON LANDING.

WHEREAS, the George C. Marshall Space Flight Center of the National Aeronautics and Space Administration developed the Saturn V rocket and other machinery and strategies that placed the first humans on the moon in July 1969; and

WHEREAS, the Marshall Space Flight Center is located in the City of Huntsville and Madison County, which provided crucial and invaluable physical and moral support to the Marshall Space Flight Center in putting the first humans on the moon; and

WHEREAS, the U. S. Space & Rocket Center, the number one visitor attraction in the State of Alabama, and located in the City of Huntsville, serves as the official visitor center for the Marshall Space Flight Center, and has spent the past 24 years promoting the accomplishments of the space program, including the first manned moon landing; and

WHEREAS, the efforts of the Marshall Space Flight Center, the City of Huntsville, Madison County, and the U. S. Space & Rocket Center have generated millions of dollars in state revenues during the past quarter century; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize the George C. Marshall Space Flight Center, the City of Huntsville, Madison County, and the U. S. Space & Rocket Center during the 25th anniversary of the first manned moon landing, a monumental event in human history that is being commemorated July 15 through July 24, 1994, in the State of Alabama.

Approved February 25, 1994

Time: 8:56 A.M.

Act No. 94-142

H.J.R. 167 – Rep. McDaniel

HOUSE JOINT RESOLUTION

COMMENDING BILLY RAINS OF GERALDINE, ALABAMA,
FOR EXTRAORDINARY HEROISM.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Billy Rains of the Whiton community of Geraldine, Alabama, for extraordinary bravery in saving the life of another; and

WHEREAS, on August 18, 1993, Billy Rains was working on an oil platform 100 miles off the Louisiana Coast when the alarm sounded; a young crewman had been moving some grating when the material popped up, hitting him in the head and hurling him into the Gulf; and

WHEREAS, Mr. Rains, seeing the man floating face down in a pool of blood, and realizing the urgency of the situation, reacted swiftly and without regard for his own personal safety, and dove 50 feet into the waters below; and

WHEREAS, driven to make every second count, he worked fervently, with the help of a fellow crewman, to pull the man to the safety of a boat landing; reaching this point of safety, they were then able to get the man to an area where he could be lifted by crane to a higher level of the platform and transported by helicopter to a Lafayette, Louisiana hospital; and

WHEREAS, as a result of Mr. Rains quick and decisive actions, the victim's prognosis for recovery is favorable, despite his critical injuries; and

WHEREAS, it is with great personal interest and pride that the Legislature has herein recorded the bravery displayed by Billy Rains, who is the son of our good friend and former longtime colleague, State Representative Euclid Rains of Albertville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding heroism, we hereby most highly commend Billy Rains of Geraldine, Alabama, for whom a copy of this resolution of tribute shall be provided.

Approved February 25, 1994

Time: 8:57 A.M.

Act No. 94-143

H.J.R. 168 – Rep. Sanderson

HOUSE JOINT RESOLUTION

COMMENDING KENNETH FARMER, 1994 "CITIZEN OF THE YEAR," LEEDS, ALABAMA.

WHEREAS, the Alabama Legislature notes that Kenneth Farmer is the recent recipient of the Leeds Chamber of Commerce prestigious recognition as "1994 Citizen of the Year" and is only the fourth person to be so recognized; and

WHEREAS, the courageous military service of Kenneth Farmer in World War II in the United States Army Air Corps is legendary in the Leeds-Moody community, having survived the infamous Bataan Death March and as a Japanese Prisoner of War for over three years; and

WHEREAS, graduating with honors from Millsaps College in Jackson, Mississippi, Kenneth Farmer had a distinguished business career for 27 years and later for the City of Leeds for 10 years; and

WHEREAS, Kenneth Farmer has devoted countless hours, and his many talents and energy for the betterment of his local community in many education leadership positions, and in teaching special education classes at all three Leeds schools; he also holds membership and has served in executive leadership positions in many other civic clubs where he has served the disadvantaged, handicapped, emotionally disturbed, mentally challenged persons, and the aged with love and devotion, particularly through the Spice of Life program, the Leeds and the Tri-County Civitan clubs, the district and international levels of Civitan International, and the Boy Scouts of America; and

WHEREAS, Kenneth Farmer has held many positions of leadership at the First United Methodist Church, taught Sunday School for 40 years and has been a choir member for 35 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in grateful acknowledgement of distinguished service to his country, community, church, and state, and as the 1994 Leeds Citizen of the Year, we hereby most highly commend Kenneth Farmer for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 8:58 A.M.

Act No. 94-144

H.J.R. 169 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING LIBERTY MIDDLE SCHOOL OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, a source of great pride to the Alabama Legislature is the national ranking of Liberty Middle School, Madison, Alabama, in the 21st Knowledge Master Open academic competition; and

WHEREAS, the Liberty Middle School academic team, comprised of ten outstanding young students, scored 1,632 of a possible 2,000 points to achieve first place in Alabama, and 17th in the nation, by out-scoring 1,301 middle school teams from all 50 states and several countries; and

WHEREAS, the Liberty student team members, Bryant Cutler, Evan Doyle, Tom Fortune, John Hardiman, Jennifer Harris, Phillip Holt, Christy Horrocks, Paul Laskowski, Jill Mahler and Michael Siverd, spent many long hours preparing and practicing for the competition under Liberty's Academic Coach Liz Clark, and their high national ranking of 17th, among more than 1,300 participating teams, has brought great credit to themselves, their coach, their school and community; and

WHEREAS, the Knowledge Master Open contest, run on classroom computers, is designed to stimulate interest in academic accomplishment, and to recognize outstanding achievement by such fine young students as those from Liberty Middle School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most **highly commend Coach Liz Clark and the 17th nationally-ranked academic team from Liberty Middle School in Madison, Alabama**, and direct that copies of this resolution be provided to Liberty School Principal Dee Fowler for appropriate presentation and school display.

Approved February 25, 1994

Time: 8:59 A.M.

Act No. 94-145

H.J.R. 170 – Reps. Buskey, Clark (W), Kennedy

HOUSE JOINT RESOLUTION

COMMENDING CORPORAL WILLIE ALLEN ON THE OCCASION OF HIS RETIREMENT FROM THE MOBILE POLICE DEPARTMENT.

WHEREAS, on the occasion of his recent retirement, February 5, 1994, the Legislature of Alabama most highly commends and congratulates Corporal Willie Allen of Mobile, Alabama, whose outstanding career with the Mobile Police Department spanned a period of 35 years; and

WHEREAS, Willie Allen, when he joined the force in 1959, was assigned, as were all black officers, to patrol in black neighborhoods and, as only three patrol cars were made available to the department's black officers, they were required to walk their beats in the event one or more vehicles were out of service; and

WHEREAS, Corporal Allen, one of the first 12 black officers on the force, was a leader in helping to break such racial barriers as the unavailability of sufficient patrol cars, among other inequities and, as a result of the class-action discrimination suit he filed in the early sixties, compromises were made which would allow blacks to achieve higher ranks; and

WHEREAS, also through compromise, blacks were no longer assigned to patrol only in black areas, and the department's white officers were no longer assigned exclusively to white areas; and

WHEREAS, Corporal Willie Allen, as a pioneer in the movement to remove racial barriers existing in the Mobile Police Department, is indeed deserving of highest praise, and it is in sincere tribute that we applaud his on-going efforts of the past 35 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Willie Allen on his distinguished law enforcement career, and do further direct that he receive a copy of this resolution with best wishes for every continuing success in retirement.

Approved February 25, 1994

Time: 9:00 A.M.

Act No. 94-146

H.J.R. 171 – Reps. Crow, Willis, Campbell

HOUSE JOINT RESOLUTION

COMMENDING OXFORD HIGH SCHOOL ON THE 1993 STATE CLASS 5A FOOTBALL CHAMPIONSHIP.

WHEREAS, in a continuation of outstanding achievement, the Oxford High School Yellow Jackets captured the 1993 State Class 5A Football Championship, the school's third State Football Title

in six years—1988, 1989 and 1993—under Head Coach Robert Herring; and

WHEREAS, it was also the Yellow Jackets' ninth consecutive year of participation in the state playoffs, and a spectacular season in which Oxford High School won not only the 1993 State Crown, but were the Area 11, Region 6, and North Alabama Champions as well, and posted a 14-0 record, including their 35-12 victory over Greenville in the title game; and

WHEREAS, under Coach Herring's leadership since he took over the OHS football program in 1985, the Varsity Yellow Jackets have become a powerhouse in Class 5A, and the teams have enjoyed the full support of the student body, the Oxford High School Band, the Varsity Cheerleaders, and countless other fans; and

WHEREAS, the Oxford High School football team, Coach Herring, and his entire staff, are indeed deserving of highest praise on their phenomenal 1993 season, and it is with great pleasure that the Legislature acknowledges their accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Oxford High School Yellow Jackets on their 1993 State 5A Football Championship, and do further direct that Mr. Louis L. Higgins, Principal, be provided with copies of this resolution for appropriate presentation and school display.

Approved February 25, 1994

Time: 9:01 A.M.

Act No. 94-147

H.J.R. 173 – Rep. Campbell

HOUSE JOINT RESOLUTION

RECOGNIZING COACH JACK STEWART FOR OUTSTANDING CONTRIBUTIONS TO HIGH SCHOOL ATHLETICS.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Jackson Braswell Stewart for outstanding achievement and for extraordinary contributions to high school athletics in the State of Alabama; and

WHEREAS, a native of Randolph County, Alabama, Jack Stewart is a graduate of Lineville High School where he starred in

three sports, and of Jacksonville State University where he played football for four years, served as team captain in his senior year, and also played baseball for one year; and

WHEREAS, following graduation from JSU, and after coaching at Bowden High School in Bowden, Georgia, from 1955 to 1959, Coach Stewart returned to his high school alma mater in Lineville where, as head football coach until 1965, his teams posted a 54-11-3 record; his 1960 and 1961 teams both enjoyed unblemished 10-0-0 records; and the 1961 and 1962 teams were named State Champions; and

WHEREAS, Coach Stewart also, from 1959 to 1965, was head coach for the Lineville basketball team which won 101 games and lost only 43 during this seven-year period, and his cagers were State Runners-up in 1963 and 1965, while placing third in the State Tournament in 1964; and

WHEREAS, in 1966, Coach Stewart was named Head Coach and Athletic Director at Saks High School near Anniston where he remained until 1977, at which time he was forced to retire due to recurring back problems and a number of attempts to correct the problems with surgery; and

WHEREAS, his success at Saks, however, was phenomenal and, under his leadership, the school's athletic program soon began to show remarkable improvement; in his second year, Saks posted its first winning season with a 5-4-0 record; in 1968 the Wildcats were undefeated at 10-0-0 and reached the finals in the State 5A Playoffs; returned to the Playoffs in both 1971 and 1974; and overall, during Coach Stewart's tenure, the Wildcats were 77-37-5; and

WHEREAS, even more impressive were Coach Stewart's contributions to Saks' Athletic program and to the community, which included vastly improved dressing facilities; a triple increase in stadium seating, as well as other renovations; and construction of a baseball field and bleachers, among numerous other improvements; and

WHEREAS, Coach Jack Stewart, who is widely acknowledged as one of Alabama's most outstanding high school coaches, is equally as well known for the positive impact he has had upon the lives of countless young students under his tutelage and, in gratitude and recognition thereof, the Saks High School Stadium has been named in his honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation with Saks High School, his many former student

athletes, and the community, we hereby pay tribute to Coach Jackson Braswell Stewart, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 9:02 A.M.

Act No. 94-148

H.J.R. 177 – Reps. Rogers (J), McClain

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. SARAH MARIE BROWN OF BIRMINGHAM, ALABAMA.

WHEREAS, herein grievously recorded by the Legislature of Alabama is the lamentable death of Mrs. Sarah Marie Brown of Birmingham, Alabama, on February 8, 1994; and

WHEREAS, a beloved member of the West End community and a devoted mother and grandmother, Mrs. Brown was the retired owner and operator of Walkers Cleaners on Graymont Avenue, a faithful member of the Sixth Avenue Baptist Church, and a volunteer at West End Nutritional Center; and

WHEREAS, she also was a member of the inaugural Alabama Silver Haired Legislature, representing District 52, and, in this capacity, was a staunch supporter of the elderly, striving to protect not only the health, welfare and security of the senior citizens of her district, but zeaiously guarding the welfare and well-being of all senior citizens statewide; and

WHEREAS, in the death of Mrs. Sarah Marie Brown, the West End community, which she so long and well served, has suffered an inconsolable loss that has left an unfathomable void in the hearts of her beloved family, many friends, and all those for whom she labored in genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Sarah Marie Brown of Birmingham, Alabama, and extend our most heartfelt sympathy to all her family, for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 9:03 A.M.

Act No. 94-149

H.J.R. 118 – Rep. Freeman

HOUSE JOINT RESOLUTION

COMMENDING HOCKEY COACH DOUG ROSS OF THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

WHEREAS, the Legislature of Alabama most heartily congratulates Coach Doug Ross of the University of Alabama in Huntsville (UAH), the winningest coach in the history of the UAH hockey program, who posted his 200th victory at the University on January 9, 1994; and

WHEREAS, Coach Ross, All-American and a member of the U.S. National Hockey Team in 1975, also is a former Olympian as a right wing on the 1976 U.S. Olympic Team that tied for 3rd place, and is ranked 40th in the NCAA coaches all-time list; and

WHEREAS, having coached previously for one season at Ohio State, and two at Kent State, Coach Ross has been at UAH since the 1982-83 season and, under his leadership, the Chargers have competed in the 1983 and 1984 U.S. National Club Championships, and placed 2nd in the 1985 U.S. Club Nationals; and

WHEREAS, he also coached 1982 and 1990 teams to Gold Medals in the U.S. Olympic Sports Festivals; coached the Chargers to the National Championship title in 1983; and has coached this year's team to first in the nation in NCAA Division II Hockey; and

WHEREAS, Coach Ross, however, in addition to his responsibilities as UAH hockey coach, also directs the UAH tennis camps and hockey summer camps; is a coach in the HAHHA league; and is a volunteer baseball coach, and volunteer fireman for the Green Mountain Fire Department, among many other community endeavors; and

WHEREAS, Coach Ross and his wife, Barbara, also stay busily involved in the lives and activities of their four children, Lindsey, Jared, Colby and Garrett; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and on the occasion of his 200th victory (now 200+) as hockey coach at the University of Alabama in Huntsville, we hereby most highly commend and congratulate Coach Doug Ross, for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 9:04 A.M.

Act No. 94-150

H.J.R. 119 – Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

RECOGNIZING CAROLYN LEE GOODLOE FOR DISTINGUISHED SERVICE TO BALDWIN COUNTY UNITED.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the many accomplishments of Carolyn Lee Goodloe during her tenure as Executive Director of Baldwin County United (BCU); and

WHEREAS, among numerous contributions, Ms. Goodloe worked with members of the South Alabama Regional Planning Commission and the county governing body; initiated and coordinated a county-wide survey of residents; and provided for town meetings to be held throughout Baldwin County to develop a long-range plan for Baldwin County; and

WHEREAS, she further worked closely with the Domestic Violence Task Force, and on the publication of a Community Service Guide and the printing of an informational brochure for BCU; and

WHEREAS, in an extension of her successful endeavors, Ms. Goodloe coordinated informational meetings on educational reform, as well as joint meetings of the county's governing body, legislative delegation, municipal officials and other local and county officials, and worked to expand and improve Leadership Baldwin County; and

WHEREAS, also under her direction, a countywide economic development committee was implemented; membership and finances of BCU were revitalized; annual strategy/planning sessions were initiated; and a permanent office for BCU was established; and

WHEREAS, Ms. Goodloe indeed had a profound impact on the progress and development of Baldwin County United as Executive Director from 1990 to 1993, and it is with sincere gratitude that her many accomplishments are acknowledged; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding and dedicated service to Baldwin County United, we hereby most highly commend Carolyn Lee Goodloe, for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 9:05 A.M.

Act No. 94-151

H.J.R. 120 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. HELEN LINING CORNELL OF MOBILE, ALABAMA.

WHEREAS, herein grievously recorded by the Legislature of Alabama is the lamentable death of Helen (Ora) Lining Cornell of Mobile, Alabama, on November 15, 1993; and

WHEREAS, a native of Catherine, Wilcox County, Alabama, and a longtime resident of the Spring Hill community, Mrs. Cornell was a former educator, having taught at Murphy High School and Austin Elementary School, and later, along with her husband, Mr. Edward T. Cornell, founded Spring Hill Lighting and Supply, Inc.; and

WHEREAS, she also was a member of St. Ignatius Catholic Church, and was active in numerous religious organizations, such as the Legion of Mary, St. Ignatius Altar Society, Friends of the Visitation Monastery, and Little Sisters of the Poor, and provided support as well to many other community organizations and projects; and

WHEREAS, in the death of Mrs. Ora Cornell, her family, church, community and friends, have indeed suffered an inconceivable loss and, even yet, are sorely bereft in grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Helen (Ora) Lining Cornell, and extend our most heartfelt sympathy to her husband; to her daughter and son, Mrs. Rebecca C. McPhillips and Edward D. Cornell; her five grandchildren; and to other family members, for whom a copy of this resolution shall be provided that they may know we sincerely share the sorrow of their loss.

Approved February 25, 1994

Time: 9:06 A.M.

Act No. 94-152

H.J.R. 121 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES V. MCCONNELL OF MOBILE, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature records the death of James V. McConnell of Mobile, Alabama, on January 26, 1994, at the age of 79 years; and

WHEREAS, Mr. McConnell, a native of Birmingham, and a longtime resident of Mobile, was owner of Trail Pontiac Cadillac, later McConnell Cadillac, a well-known dealership, from 1954 until his retirement in 1982; and

WHEREAS, during his longtime career, Mr. McConnell served in such prominent positions as president of the Cadillac National Dealer Council and the Mobile New Car Dealers Association and, on several occasions, received the Cadillac/Pontiac Master Dealer Award, the highest award given a dealer by the manufacturer; and

WHEREAS, a member of Cottage Hill Baptist Church, Mr. McConnell was an enthusiastic supporter of youth sports as well as numerous charity organizations and efforts, including cancer research at the University of South Alabama; and

WHEREAS, a graduate of Ramsey High School in Birmingham, Mr. McConnell played minor league baseball for three years in Georgia, and served with Standard Brands and later as personnel director for Bectel McCone Parsons Corporation, a military aircraft firm in Birmingham, during World War II; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James V. McConnell of Mobile, Alabama, and extend deepest sympathy to his wife, Mary Louise McConnell; sons, Jim McConnell, Jr., and Eddie McConnell; daughter, Mary Lou Layden; sister, Annie Mae Wells; and to other family members, for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 9:07 A.M.

Act No. 94-153

H.J.R. 122 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MARIE TIPTON CLOTFELTER OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the lamentable death of Marie Tipton Clotfelter of Mobile, Alabama, on November 22, 1993; and

WHEREAS, Mrs. Clotfelter, a native of Albertville, Alabama, and a resident of Mobile since 1959, served with the Mobile

County Public School System as secretary at Davidson High School until her retirement in July 1993; and

WHEREAS, she was a member of St. Mark United Methodist Church and was a past president of the parent and teacher associations at Fonde Elementary School, Azalea Middle School, and Davidson High School; and

WHEREAS, she also was an honorary Life Member of the Alabama Congress of Parents and Teachers and was the recipient of the Mary B. England Award and the Heart of Gold Award, presented by the Board of School Commissioners of Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Marie Tipton Clotfelter of Mobile, Alabama, and extend deepest heartfelt sympathy to her daughters, Mrs. Janice Hodge, Mrs. Karen Mount, Mrs. Connie Colley, Mrs. Hydee Hegler, and Mrs. Betty Bassett, Jr.; to her son, Howard M. Clotfelter; and to other family members for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 9:08 A.M.

Act No. 94-154

H.J.R. 123 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF IRIS CREEL CAMPBELL EVERETT OF MOBILE, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Iris Creel Campbell Everett of Mobile, Alabama, on September 17, 1993; and

WHEREAS, Mrs. Everett, a native and lifelong resident of Mobile, was a devoted member of St. Luke's Episcopal Church, where she served as a member of the Altar Guild, and of the Historic Mobile Preservation Society; and

WHEREAS, a highly respected member of her community, her death has indeed left an unfathomable void in the hearts of her family, neighbors, and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply

saddened by the death of Iris Creel Campbell Everett of Mobile, Alabama, and extend deepest sympathy to her husband, Jackson Perry Everett; son, Robert E. Campbell, Jr., and daughter-in-law, Judy Campbell; to her five grandchildren and one great grandchild; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

Approved February 25, 1994

Time: 9:09 A.M.

Act No. 94-155

H.J.R. 124 – Reps. Rockhold, Gaston,
Kvalheim, Gullatt,
Mikell, Blakeney,
McKee, Flowers,
Bowling, Zoghby

HOUSE JOINT RESOLUTION

URGING ALL LAW ENFORCEMENT TO ASSIST IN LOCATING ALZHEIMER DISEASE VICTIMS WHO ARE MISSING FROM THEIR HOMES AND FAMILIES.

WHEREAS, the Alabama Legislature notes that the victims of Alzheimer's Disease and their care givers have many unmet needs and primary among these is the inability of the advanced Alzheimer Disease victim to remember even elementary personal data such as their name, home phone number, and family residence; and

WHEREAS, when an Alzheimer's Disease victim wanders from home or is lost, there is unspeakable fear and frustration to both the victim and care giver and the missing person can suffer physical harm or even death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most strongly urge state and local law enforcement personnel to give top priority to locating missing persons who are Alzheimer Disease victims at the request of the family, or other care giver.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Alabama Sheriffs' Association and the State Association of the Fraternal Order of Police.

Approved February 25, 1994

Time: 9:10 A.M.

Act No. 94-156

H.J.R. 126 – Reps. Rockhold, Harper

HOUSE JOINT RESOLUTION

COMMENDING JOY M. HANSEL, TILLMAN'S CORNER CITIZEN OF THE YEAR FOR 1993.

WHEREAS, the Legislature of Alabama notes with pleasure the recent bestowal of Tillman's Corner Citizen of the Year honors upon Joy M. Hansel of Theodore, Alabama, by the Tillman's Corner Chamber of Commerce, in recognition of Ms. Hansel's outstanding service to the community; and

WHEREAS, Ms. Hansel, a registered nurse employed by Mobile's Providence Hospital, is an active member of the Chancel Choir at Theodore United Methodist Church, which she serves as co-director of the Youth Choir, and she is assistant coach for the girls' softball team at the Theodore Athletic Association; and

WHEREAS, most especially, however, Ms. Hansel has dedicated her efforts in volunteer service to Meadowlake Elementary School, where she served as President of the P.T.O. for the past three years, as director of the school's choir, and as parent coordinator for the Meadowlake Beautification Project; and

WHEREAS, also at Meadowlake Elementary, she coordinated the schedules of volunteer parents for the Magic School Business Reading Lab, and for the tabulation of Delchamps receipts collected by students and parents for the chain's "Cash Back for Schools" program; and

WHEREAS, Ms. Hansel, additionally, was instrumental in bringing Dr. Tom Jambor to Meadowlake to plan and coordinate the construction of a playscape; she then voluntarily assumed responsibility for obtaining the necessary supplies and materials, and organized volunteers to assist with the construction work, which resulted in the completion of the playscape in just four days; and

WHEREAS, not only is Ms. Hansel diligent in service and support of Meadowlake Elementary School, but is a staunch advocate on behalf of all children and schools, as evidenced by her representation of parents and students on issues presented before the Mobile County School Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Joy M. Hansel on her selection as Tillman's Corner 1993 Citizen of the Year, and do further direct that she receive a copy of this resolution of highest personal regard.

Approved February 25, 1994

Time: 9:11 A.M.

Act No. 94-157

H.J.R. 127 – Rep. Cosby

HOUSE JOINT RESOLUTION

DESIGNATING NATIONAL TOURISM WEEK 1994, IN THE STATE OF ALABAMA.

WHEREAS, the travel and tourism industry is vital to the State of Alabama, and the United States, contributing to our economic prosperity, employment, international trade, peace, understanding, and goodwill; and

WHEREAS, travel and tourism ranks as one of Alabama's top industries in the amount of revenues generated; and

WHEREAS, tourism contributed an estimated total of \$3.7 billion to the economy in 1993 and, during that time, several million tourists visited the State of Alabama; and

WHEREAS, travel and tourism provided more than 74,000 jobs in 1993 in Alabama, accounting for a payroll of \$1.9 billion and \$412 million in tax reserve; and

WHEREAS, the tourism industry provides employment for more youth, women, and minorities than any industry in Alabama; and

WHEREAS, as people throughout the world become more aware of the outstanding cultural and recreational resources available in the United States, travel and tourism will become an increasingly important aspect in the lives of the people of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of May 1-7, 1994, is designated as "National Tourism Week" in Alabama and Jim Folsom, Governor of the State of Alabama, is requested to **issue a proclamation calling upon citizens throughout the state to observe this week with appropriate ceremonies and activities.**

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Governor Folsom and to the Alabama Bureau of Tourism and Travel, the Alabama Hotel and Motel Association, and the Alabama Travel Council.

Approved February 25, 1994

Time: 9:12 A.M.

Act No. 94-158

H.J.R. 129 – Rep. Anderson

HOUSE JOINT RESOLUTION

COMMENDING BILLY G. COCKES ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the distinguished career of Billy G. Cockes with the State of Alabama Board of Pardons and Paroles for more than 30 years; and

WHEREAS, Mr. Cockes joined the Board of Pardons and Paroles on October 1, 1960, following a brief period of service with the Department of Pensions and Security, and thereby began an outstanding career of service that was to span more than three decades until his retirement January 31, 1994; and

WHEREAS, over his tenure, Mr. Cockes served the department long and well and executed his duties and responsibilities with utmost diligence and total commitment to the good and well-being of all citizens of Morgan County; and

WHEREAS, in tribute, he was recognized with numerous honors and awards including Law Enforcement Officer of the Year (1983), Probation Officer of the Year (1984), and Probation and Parole Officer III Outstanding Law Enforcement Officer in Morgan County (1990-91), to name but a few; and

WHEREAS, a native of Town Creek, Alabama, and a highly decorated veteran of the United States Navy, Mr. Cockes graduated from Auburn University with a degree in business administration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of outstanding service to the Board of Pardons and Paroles, the Morgan County community and state, we hereby most highly commend Billy G. Cockes, for whom a copy of this resolution shall be provided with sincere regards and best wishes for every future happiness and success.

Approved February 25, 1994

Time: 9:13 A.M.

Act No. 94-159

H.J.R. 142 – Reps. Payne, Poole

HOUSE JOINT RESOLUTION

ENCOURAGING THE BUSINESS COMMUNITY AND ALL GOVERNMENTAL ENTITIES TO GIVE PARENTS ADMINISTRATIVE LEAVE TO MEET WITH TEACHERS AND SCHOOL ADMINISTRATORS.

WHEREAS, the Children of Alabama are our leaders of tomorrow and the national treasure of all our citizens; and

WHEREAS, parental involvement in the life of the child is crucial to a strong and sound family unit and no segment of society is more vital to a well-adjusted family than the educational experience of the child; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do strongly encourage the business community and all local and state governmental agencies to give administrative leave of at least one hour per month during the school year for the purpose of any parent to attend parent-teacher conferences or to be involved in other educational experiences of the child at their local school.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the state Business Council of Alabama, the League of Municipalities, the Association of County Commissioners, and the State Personnel Department.

Approved February 25, 1994

Time: 9:14 A.M.

Act No. 94-160

H.J.R. 144 – Rep. Newton (D)

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. LUCY STEELE ON THE OCCASION OF HER 100TH BIRTHDAY.

WHEREAS, heartiest congratulations are herein extended by the Alabama Legislature to Mrs. Lucy Steele of Birmingham, Alabama, on the occasion of her 100th Birthday, February 18, 1994; and

WHEREAS, Mrs. Steele, who was born in Selma, Alabama, on February 18, 1894, to James and Fannie Perkins, was married to James Steele and, together, they shared their married life as farmers; and

WHEREAS, Mrs. Steele joined the Tabernacle Baptist Church in 1930, which she has since faithfully served, and is a member of the choir; and

WHEREAS, Mrs. Steele, a warm and gracious lady and a devoted Christian, is a beloved member of her community, and it is

with great pleasure that we join in celebrating this eventful milestone in her long and fruitful life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mrs. Lucy Steele of Birmingham, Alabama, on the momentous occasion of her 100th birthday, and do further direct that she receive a copy of this resolution, with sincere best wishes for many more years of good health and happiness in life.

Approved February 25, 1994

Time: 9:15 A.M.

Act No. 94-161

H.J.R. 145 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING SUSAN HALL OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in a desire to honor young Alabamians of outstanding achievement, herein recognizes Susan Hall, a 17-year-old senior at Bob Jones High School in Madison, who has achieved outstanding success over her brief high school career; and

WHEREAS, Susan, an exceptional young lady, was named Madison County's Young Woman of the Year in 1994, and was the recipient of the Daughters of the American Revolution Good Citizen Award, as well as numerous supercomputing and academic awards; and

WHEREAS, the daughter of Ray and Sue Hall, she also is an honor roll student; has served as captain of the cheerleading squad, class vice president for four years, and 1993 Homecoming Queen; and sings at College Park Church of God; and

WHEREAS, Susan, who is considering a career in the field of chemical engineering, participated in NASA's SHARP program during the past summer, and served as the only student presenter during Supercomputing '93, a national exposition held in Portland, Oregon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding achievement, we hereby most highly commend Susan Hall of Madison, Alabama, and direct that she receive a copy of this resolution as an expression of tribute and esteem.

Approved February 25, 1994

Time: 9:16 A.M.

Act No. 94-162

H.J.R. 146 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING JEFFERY MALCOLM OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the selection of Jeffery Malcolm of Madison, Alabama, to attend the National Young Leaders Conference held in Washington, D. C., January 18-23, 1994; and

WHEREAS, the National Young Leaders Conference, sponsored by the Congressional Youth Leadership Council, is a unique leadership development program for exceptional high school students who have demonstrated leadership potential and scholastic merit, and provides these students an opportunity to distinguish themselves as the leaders of tomorrow; and

WHEREAS, Jeffery, who is a junior at Bob Jones High School in Madison, was one of 350 students from across the nation selected to attend the conference: and

WHEREAS, over the six days of the conference, Jeffery was provided the opportunity to interact with prominent leaders and newsmakers from the three branches of government, the media, and diplomatic corps, and to participate in a number of leadership skill-building activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Jeffery Malcolm of Madison, Alabama, a young Alabamian of whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 9:17 A.M.

Act No. 94-163

H.J.R. 147 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING PATRICK ELMS OF MADISON, ALABAMA,
FOR OUTSTANDING HUMANITARIAN SERVICE.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Patrick Elms of Madison, Alabama, for heroic and selfless service to others; and

WHEREAS, Patrick Elms, risking his own personal safety, organized and planned his own humanitarian mission to war-torn Bosnia, his goal being to supply food and clothing to the children of the Bejlav Orphanage, and to deliver badly needed medical supplies to the hospital in Sarajevo; and

WHEREAS, however, for Patrick Elms, who majored in finance at Auburn University, and is a devout Christian, missionary work, especially with children, is nothing new; he has worked with homeless children on an Indian reservation, and with street kids in New York City and Washington D.C.; and

WHEREAS, he has also served with Project Uplift, working with children living in the projects at Auburn, and received the Algernon Sydney Sullivan Award on being ranked as the top volunteer in 20 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of exemplary humanitarian service, we hereby most highly commend Patrick Elms of Madison, Alabama, for whom a copy of this resolution shall be provided.

Approved February 25, 1994

Time: 9:18 A.M.

Act No. 94-164

H.J.R. 148 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

CONGRATULATING MAYOR JAMES P. NIX, SR., OF
FAIRHOPE, ALABAMA, ON HIS APPOINTMENT TO THE
BOARD OF DIRECTORS OF THE NATIONAL LEAGUE OF
CITIES.

WHEREAS, the Alabama Legislature notes, on this auspicious occasion, that the Honorable James P. Nix, Sr., of Fairhope, Alabama, was recently elected to the Board of Directors of the National League of Cities at the League's annual Congress; and

WHEREAS, Mayor Nix has served on numerous positions of leadership such as President of the Alabama League of Municipalities, Chairman of the Alabama Coastal Area Board, Chairman of the Board of the Alabama Municipal Electric Authority; and

WHEREAS, Mayor Nix also contributes his time and energies to serving on the Transportation and Communication Policy Committee of the National League of Cities and the Alabama League of Municipalities Transportation and Communication Committee; is a member of the Board of Directors of Colonial Bank, and Gulf Region; and serves as Chairman of the Fairhope Board of Directors of Colonial Bank; and

WHEREAS, Mayor Nix's community and civic involvement and contributions notwithstanding, he has not neglected his commitment to his family; he and his wife, the former Anne Delorn Peele are the proud parents of three children, James P. Nix, Jr., Vicky Cook and Susan Tillman, and the grandparents of five grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Mayor James P. Nix, Sr., of Fairhope, Alabama, on his election to the Board of Directors of the National League of Cities and wish him the best in his new endeavors and responsibilities.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mayor James P. Nix, Sr.

Approved February 25, 1994

Time: 9:19 A.M.

Act No. 94-165

H.J.R. 149 – Rep. Kvalheim

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. WILLIAM C. LUCEY OF FAIRHOPE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mr. William C. Lucey of Fairhope, Alabama, on February 2, 1994; and

WHEREAS, a native of St. Louis, Missouri, a former longtime resident of Winnetka, Illinois, and a resident of Fairhope for the past 20 years, Mr. Lucey had retired from the American Red Cross after 40 years of service and 25 years with the Chicago Mid-American Chapter as Executive Director; and

WHEREAS, he was involved in leadership and service with numerous civic, cultural, and educational activities, and contributed generously to Trinity Presbyterian Church of Fairhope, where he served as an Elder; he was a member of Sigma Chi Fraternity, past Chief Commander of the United States Power Squadron, the Fairhope Lions Club, past President of the Fairhope Single Tax Corporation, Fairhope Yacht Club, and the Lake Forest Yacht and Country Club; and

WHEREAS, William C. "Jack" Lucey was indeed a very kind, loving and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William C. Lucey, and extend our very deepest sympathy to his wife, Mrs. Vivian E. Lucey, their children, Mrs. Kerry Wolfe and Colonel James W. Lucey, his brother Robert H. Lucey, and two grandchildren, for whom copies of this resolution shall be provided so that they may know we sincerely share their great and grievous loss.

Approved February 25, 1994

Time: 9:20 A.M.

Act No. 94-166

H.J.R. 150 – Reps. Gaston, Buskey

HOUSE JOINT RESOLUTION

COMMENDING HARRIETT RODGERS LILLICH OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE TO EDUCATION.

WHEREAS, the Alabama Legislature, in consensus of commendation, recognizes Harriett Rodgers Lillich of Mobile, Alabama, for 30 years of distinguished service in the field of education; and

WHEREAS, Ms. Lillich, who earned both her AB and MA degrees from the University of Alabama, has spent more than three decades in dedicated service to education as a teacher at Banks High

School in Birmingham, and at Murphy High School, Julius Tutwiler Wright School for Girls, and UMS-Wright Preparatory School in Mobile; currently she teaches European, Russian, and World History, and has previously taught government and economics; and

WHEREAS, Ms. Lillich has served her profession in such capacities as a member of the Educational Testing Services Test Development Committee for the SAT II; as a reader for the advanced placement examination in European History; and was recipient of the Basic Education Grant for Independent Study in the humanities which provided an eight week study of Imperial Russia; and

WHEREAS, she has served in such other capacities as sponsor of the senior class, National Honor Society, Youth-in-Government Club and coach of the Scholar's Bowl, and has accompanied students to study in Greece and Italy; and

WHEREAS, in tribute to her accomplishments, she has been the recipient of a number of honors and awards over her career, which include a Fullbright Award, and the Arlene Mitchell Award for Excellence in Teaching; and

WHEREAS, Ms. Lillich is also a member of the board of the English-Speaking Union, the Mobile Opera Guild, the Mobile Chapter of the University of Alabama Alumni Association, and of St. Paul's Episcopal Church, where she has taught Sunday School and served as an EYC sponsor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding devotion and service to education in our state, we hereby most highly commend Harriett Rodgers Lillich, for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 25, 1994

Time: 9:21 A.M.

Act No. 94-167

H. 41 – Rep. Turner

AN ACT

To amend Section 11-41-20, Code of Alabama 1975, providing the procedure for the dissolution of a municipal corporation having a population of 1,100 inhabitants or less, to provide that the Legislature may by local law provide an alternative procedure.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-41-20 of the Code of Alabama 1975, is amended to read as follows:

“§11-41-20.

"Except as otherwise provided by local law, municipal corporations now existing or hereafter incorporated having a population of 1,100 inhabitants or less may be dissolved as provided in this article."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 25, 1994

Time: 9:22 A.M.

Act No. 94-168

H. 173 — Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Commission on Aging for the Care Assurance System for the Aging and Homebound from the State General Fund the sum of Sixty-nine thousand seven hundred fifty dollars (\$69,750).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:30 A.M.

Act No. 94-169

H. 176 — Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Beacon House — Jasper for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Beacon House – Jasper from the State General Fund the sum of Forty-one thousand two hundred thirty-five dollars (\$41,235).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:31 A.M.

Act No. 94-170

H. 175 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the America's Junior Miss Pageant from the State General Fund the sum of Forty-two thousand seven hundred sixty-one dollars (\$42,761).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:32 A.M.

Act No. 94-171

H. 174 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Alabama's Junior Miss Pageant from the State General Fund the sum of Fifteen thousand three hundred forty-two dollars (\$15,342).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:33 A.M.

Act No. 94-172

H. 179 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Coosa-Alabama River Improvement Association, Inc. from the State General Fund the sum of Seventy-three thousand four hundred forty-two dollars (\$73,442).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:34 A.M.

Act No. 94-173

H. 181 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Lighthouse Counseling Center from the State General Fund the sum of Eighteen thousand six hundred dollars (\$18,600).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:35 A.M.

Act No. 94-174

H. 185 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Shoals Entrepreneurial Center from the State General Fund the sum of One hundred twenty-five thousand dollars (\$125,000).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:36 A.M.

Act No. 94-175

H. 186 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1995,

and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Tri-Rivers Waterway Development Authority from the State General Fund the sum of Forty-two thousand seven hundred sixty-one dollars (\$42,761).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:37 A.M.

Act No. 94-176

H. 187 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Warrior-Tombigbee Development Association from the State General Fund the sum of \$49,933.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:38 A.M.

Act No. 94-177

H. 254 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Alabama Travel Council from the State General Fund the sum of \$100,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipts these reports.

Section 3. This act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 8:39 A.M.

Act No. 94-178

H. 253 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the AIDS Task Force of Alabama for the fiscal year ending September 30, 1995.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the AIDS Task Force of Alabama from the State General Fund the sum of \$42,500.

Section 2. The appropriation herein shall be used to secure additional Medicaid matching funds for AIDS-related services for the member community based organizations in Huntsville, Birmingham, Montgomery and Mobile according to an operations plan developed by the AIDS Task Force of Alabama Board of Directors in conjunction with the State Health Department and the HIV Education Advisory Board.

Section 3. This act shall become effective October 1, 1994.

Approved March 1, 1994

Time: 1:45 P.M.

Act No. 94-179

H.J.R. 202 – Rep. Crow

HOUSE JOINT RESOLUTION

COMMENDING PAMELIA NELSON OF HUNTSVILLE,
ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, in consensus of commendation, the Alabama Legislature notes the extraordinary achievement of Pamela Nelson of Huntsville, a Very Special Arts professional artist, who has been commissioned to create an official Commemorative Limited Edition of the State Capitol in honor of the celebration of Alabama's 175 years of statehood; and

WHEREAS, Pamela Nelson, a talented artist since childhood, is a graduate of the University of Alabama-Birmingham with a B.A. degree, and was pursuing her Master's degree at the University of Alabama in Huntsville when she was stricken with a debilitating muscular disorder; and

WHEREAS, with an indomitable spirit, however, she has continued to work creatively through such mediums as photography, painting and hand coloring, and, as the creator of the official State Capitol Commemorative Edition, is a very special part of Alabama's 175th Anniversary, as is Special Arts Alabama, the non-profit educational affiliate of the John F. Kennedy Center for the Performing Arts; and

WHEREAS, a special event of Alabama's 175th birthday, which is being held by Special Arts Alabama, with First Lady Marsha Folsom as Honorary Chairman, is the State Capitol Commemorative Edition Unveiling Reception on March 2, 1994, at the Alabama State Capitol; being featured is Pamela Nelson's original photographic montage, comprised of a large centered picture of the Capitol surrounded by several small photographs; and

WHEREAS, the original, in a sepia tone, is hand-painted by Ms. Nelson, and the signed and numbered prints will be of an etching created to museum standards, with all profits from the sale of these prints to be allocated to Very Special Arts' various art shows, workshops, festivals and other programs for disabled artists; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, in recognition of extraordinary achievement, we hereby commend Pamela Nelson of Huntsville, Alabama, whom we greatly admire, and to whom a copy of this resolution of highest regard shall be presented.

Approved March 1, 1994

Time: 3:40 P.M.

Act No. 94-180

S. 200 – Senator Corbett

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers, as renamed the Board of Hearing Instrument Dealers with certain modifications; to amend Sections 34-14-1, to 34-14-33, inclusive, Code of Alabama 1975, so as to: transfer duties of the State Board of Health to the Hearing Instrument Dealers Board; provide further for definitions, duplicate licenses, fees, exams, and membership of the board; provide additional disciplinary and legal powers for the board; provide further for illegal acts and penalties therefor; provide further for the board members and officers; transfer certain funds of the Board of Health to the board; and to require the Attorney General to serve as legal advisor for the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Hearing Instrument Dealers Board, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Hearing Instrument Dealers Board, created and functioning pursuant to Sections 34-14-1 to 34-14-33, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-14-1 to 34-14-33, inclusive, of the Code of Alabama 1975, are amended to read as follows:

“§34-14-1.

“For purposes of this chapter, the following words and phrases shall have the respective meanings ascribed by this section:

“(1) **APPRENTICE PERMIT.** A permit issued while the applicant is in training to become a licensed hearing instrument fitter.

“(2) **BOARD.** The board of hearing instrument dealers.

“(3) **DEALER.** A person licensed under this chapter prior to July 3, 1991 to fit and deal in hearing instruments. A dealer’s license may remain valid until June 30, 1996 only by continuous renewal.

“(4) **DISPENSER.** Any trained person who shall meet all requirements of this chapter for licensure and who may engage in the practice of fitting and dealing in hearing instruments without the direct supervision of any person.

“(5) **FITTER.** A trained, licensed person who shall engage in the practice of fitting and dealing in hearing instruments only under the direct supervision of a hearing instrument dispenser.

“(6) **HEARING INSTRUMENT.** Any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing excluding assistive listening devices.

“(7) **LICENSE.** A license issued by the board under this chapter to a hearing instrument fitter or dispenser.

“(8) **PRACTICE OF FITTING AND DEALING IN HEARING INSTRUMENTS.** The measurement of human hearing by means of an audiometer or by other means approved by the board solely for the purpose of making selections, adaptations or sale of hearing instruments. The term also includes the making of impressions for earmolds. A licensee or permit holder, at the request of a physician or a member of related professions, may make audiograms for the professional’s use in consultation with the hard-of-hearing.

“(9) **SELL or SALE.** Any transfer of title or of the right to use by lease, bailment or any other contract, excluding wholesale transactions with distributors or dealers.”

“§34-14-2.

“(a) No person shall engage in the sale of or practice of fitting hearing instruments or display a sign or in any other way advertise or represent himself as a person who practices the fitting and sale of hearing instruments unless the person holds a license or permit issued by the board as provided in this chapter. The license or permit shall be conspicuously posted in his or her office or place of business. Duplicate licenses or permits may be issued by the board to valid license holders operating more than one office, upon additional payment determined by the board for each additional office. A license under this chapter shall confer upon the holder the right to select, fit and sell hearing instruments.

“(b) Nothing in this chapter shall prohibit a corporation, partnership, trust, association or other like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing instruments at retail without a license; provided, that it employs only properly licensed or permitted natural persons and that it shall have at least one licensed Alabama dispenser on its staff to provide direct supervision of any licensed fitters or apprentices employed in the direct sale and fitting of such products. Such corporations, partnerships, trusts, associations or other like organizations shall file annually with the board a list of all licensed hearing instrument dispensers, fitters, and apprentices directly or indirectly employed by them. Such organizations shall also file with the board a statement on a form approved by the board that they submit themselves to the rules and regulations of the board and the applicable provisions of this chapter.

“(c) Nothing in this chapter shall apply to physicians licensed to practice medicine or employees under the supervision of a physician licensed to practice medicine, or to the professional corporation or professional association of such physicians.

“(d) Nothing in this chapter shall apply to licensed speech pathologists or to licensed audiologists.”

“§34-14-3.

“(a) The board shall register each applicant without discrimination who pays an examination fee of one hundred twenty-five dollars (\$125) and who satisfactorily passes an examination as provided in section 34-14-4, and upon the applicant's payment of the application fee, shall issue to the applicant a license signed by the board. The license shall be effective until January 30 of the year following the year in which issued.

“(b) An applicant who fulfills the requirements regarding age, character, education, and health, as set forth in subsection (a) of section 34-14-4, and who shall provide proof of having met all requirements of certification as a National Board Certified Hearing Instrument Specialist shall be issued a dispenser's license. All applicants who have current valid Alabama dealer's and fitter's licenses as of July 3, 1991, shall have five years from said date to obtain the requirement for certification. After the expiration of the five-year period, an applicant not providing proof of having met all requirements for certification as a National Board Certified Hearing Instrument Specialist shall not be issued a dispenser's license but shall instead be issued a fitter's license.

“(c) Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this chapter and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to dispense and fit hearing instruments, the board may issue certificates of endorsement to applicants who hold current, unsuspended and unrevoked certificates or licenses to fit and sell hearing instruments in such other state or jurisdiction. No such applicants for certificate of endorsement shall be required to submit to or undergo a qualifying examination, etc., other than the payment of fees, pursuant to this section and section 34-14-6. The holder of a certificate of endorsement shall be registered in the same manner as licensees. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of a license.”

“§34-14-4.

“(a) Applicants may obtain a license by successfully passing a qualifying examination; provided, that the applicant:

“(1) Is at least 19 years of age;

“(2) Is of good moral character;

“(3) Has an education equivalent to a four-year course in an accredited high school; and

“(4) Is free of contagious or infectious disease.

“(b) An applicant who meets the qualifications of subsection (a) hereof as determined by the board who applies for license by examination shall appear at a time, place and before such persons as the board may designate to be examined by means of written and practical tests in order to demonstrate that he or she is qualified to practice the fitting and sale of hearing instruments. The examination administered as directed by the board constituting standards for licensing shall not be conducted in such a manner that college training is required in order to pass the examination. Nothing in this examination shall imply that the applicant shall possess the degree of medical competence normally expected of physicians.

“(c) The board shall give examinations at least three times each year.”

“§34-14-5.

“The qualifying examination provided in section 34-14-4 shall be designed to demonstrate the applicant’s adequate technical qualifications by:

“(1) Tests of knowledge in areas specified by the board, provided the board is specifically authorized to adopt and administer a national examination; and

“(2) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing instruments:

“a. Pure tone audiometry, including air conduction testing and bone conduction testing,

“b. Masking when indicated,

“c. Recording and evaluation of audiograms to determine proper selection and adaptation of a hearing instrument, and

“d. Taking earmold impressions.”

“§34-14-6.

“(a) Each person who engages in the fitting and sale of hearing instruments shall annually, on or before January 30, pay to

the board a fee for a renewal of his or her license and shall keep such certificate conspicuously posted in his office or place of business at all times. The fee shall be \$100.00 for a fitter's license and \$150.00 for a dispenser's license. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the board for posting in each location upon payment of the fee. A 30-day grace period shall be allowed after January 30, during which time licenses may be renewed on payment of a late fee of twenty-five dollars (\$25), in addition to the license renewal fee, to the board. After expiration of the grace period, the license is expired and thereafter may be reinstated and renewed within two years. The board may renew such expired certificates upon payment of a one hundred dollar (\$100) reinstatement fee, in addition to the license renewal fee, to the board. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal; provided, that such renewal application is made within two years from the date of such expiration.

“(b) The board shall adopt and maintain a program of continuing education for its licensees not later than October 1, 1991, and after said date no licensee shall have his or her active license renewed unless, in addition to any other requirements of this chapter, the minimum continuing annual education requirements are met.”

“§34-14-7.

“(a) An applicant who fulfills the requirements regarding age, character, education and health, as set forth in subsection (a) of section 34-14-4, may obtain an apprentice permit upon application to the board.

“(b) Upon receiving an application as provided under this section and accompanied by a fee of \$50.00, the board shall issue an apprentice permit which shall entitle the applicant to engage in the fitting and sale of hearing instruments for a period of nine months provided the apprentice has received 80 hours of academic and practical instruction under the direct supervision and immediate physical observation of the person holding a valid current Alabama hearing instrument dispenser's license. The licensed dispenser shall be totally responsible for the supervision and training of such applicant thereafter. Such apprentice permit shall not be renewable, nor shall the applicant be issued a second permit within a five-year period following the expiration date of the initial permit.

“(c) An apprentice or applicant who successfully completes the fitter's examination may obtain a fitter's license upon application

to the board, and payment of the license fee, which shall entitle the applicant to engage in the sale or fitting of hearing instruments until January 30th of the following year under the direct supervision of a person holding a current Alabama hearing instrument dispenser's license. The licensed dispenser shall be totally responsible for the supervision of all activities of the fitter pertaining to the sale and fitting of hearing instruments, upon payment of a \$100.00 fee.

“(d) The dispenser who is responsible for the supervision and training of an apprentice shall not have more than four apprentices under his or her supervision at any time. There shall be no limitations on the number of fitters a dispenser may have under his or her supervision at any given time.

“(e) The dispenser responsible for the supervision and training of any apprentice or fitter shall be subject to administrative actions with respect to licensure and to civil liability for all actions of an apprentice or fitter under his supervision when such apprentice or fitter engages in unethical, prohibited, fraudulent, deceptive, and misleading conduct involving the fitting and dispensing of hearing instruments.”

“§34-14-8.

“(a) A person who holds a license shall notify the board in writing of the regular address of the place or places where he or she engages or intends to engage in the fitting or the sale of hearing instruments.

“(b) The board shall keep a record of the place of business of licensees.

“(c) Any notice required to be given by the board to a person who holds a license shall be mailed to him or her at the address of the last place of business of which he or she has notified the board.”

“§34-14-9.

“(a) Any person wishing to make a complaint against a licensee or apprentice under this chapter shall reduce the same to writing and file his or her complaint with the board within one year from the date of the action upon which the complaint is based. If the board investigates and determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended or revoked, it shall make an order fixing a time and place for a hearing and require the licensee complained against to appear and defend against the complaint. The order shall have annexed thereto a copy of the complaint. The order and copy of the complaint shall be

served upon the licensee at least 20 days before the date set for hearing, either personally or by registered or certified mail sent to licensee's last known address. Continuances or adjournment of hearing date shall be made if for good cause. At the hearing the licensee complained against may be represented by counsel. The licensee complained against and the board shall have the right to take depositions in advance of hearing and after service of the complaint, and either may compel the attendance of witnesses by subpoenas issued by the board under its seal. Either party taking depositions shall give at least five days written notice to the other party of the time and place of such depositions, and the other party shall have the right to attend, with counsel if desired, and cross-examine. Appeals from suspension or revocation may be made to the circuit court. In the event of an appeal, there shall be a trial de novo and the trial shall be before the court without the intervention of a jury.

"(b) The board is hereby authorized to discipline its licensees and apprentices by the adoption and collection of administrative fines, not to exceed \$1,000.00 per violation and is authorized to institute any legal proceedings necessary to effect compliance with this chapter.

"(c) Any person registered under this chapter may have his or her permit or license revoked or suspended by the board, be reprimanded by the board, or be administratively fined not more than five hundred dollars (\$500) per violation by the board for any of the following causes:

"(1) The conviction of a felony or a misdemeanor involving moral turpitude; the record of conviction or a certified copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be prima facie proof of such conviction;

"(2) Procuring of license by fraud or deceit;

"(3) Unethical conduct, including:

"a. The obtaining of any fee or the making of any sale by fraud or misrepresentation;

"b. Knowingly employing directly or indirectly any suspended or unregistered person to perform any work covered by this chapter;

"c. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceptive or untruthful;

"d. Advertising a particular model or type of hearing instrument for sale when purchasers or prospective purchasers responding to the

advertisement cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;

“e. Representing that the service or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing instruments when that is not true, or using the words “doctor,” “clinic” or similar words, abbreviations or symbols which tend to connect the medical profession when such use is not accurate;

“f. Habitual intemperance;

“g. Gross immorality;

“h. Permitting another’s use of a license;

“i. Advertising a manufacturer’s name or trademark which implies a relationship with the manufacturer that does not exist;

“j. Directly or indirectly giving or offering to give or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing instrument dispenser, fitter, or apprentice, or influencing persons to refrain from dealing in the products of competitors;

“(4) Conducting business while suffering from a contagious or infectious disease;

“(5) Engaging in the fitting and sale of hearing instruments under a false name or alias with fraudulent intent;

“(6) Selling a hearing instrument to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing instruments, except in cases of selling replacement hearing instruments;

“(7) Gross incompetence or negligence in fitting and selling hearing instruments; or

“(8) Violating any provisions of this chapter.

“(d) The board may bring an action to enjoin any person, firm, or corporation who, without being licensed or issued a permit by the board, dispenses hearing instruments in this state. The action shall be filed in the county in which such person resides or practices or in the county where the firm or corporation maintains an office or practices. Notwithstanding any other provisions of the law to the contrary, after notice and hearing, the board may issue a

cease and desist order prohibiting any person from violating the provisions of this chapter by engaging in the practice of dealing, fitting, selling or dispensing hearing instruments without a license."

"§34-14-10.

"(a) Any person who practices the fitting and sale of hearing instruments shall deliver to each person supplied with a hearing instrument a receipt which shall contain the licensee's or apprentice's signature and show his or her business street address and the number of his or her license or permit, together with specifications as to the make and model of the hearing instrument furnished and the full terms of sale clearly stated. If an instrument which is not new is sold, the receipt and the container thereof shall be clearly marked as "used" or "reconditioned," whichever is applicable, with terms of guarantee, if any.

"(b) Such receipt shall bear in no smaller type than the smallest used in the body copy portion the following:

"The purchaser has been advised at the outset of his or her relationship with the hearing instrument apprentice, fitter, or dispenser that any examination(s) or representation(s) made by a licensed hearing instrument apprentice, fitter, or dispenser in connection with the fitting and selling of this hearing instrument(s) is not an examination, diagnosis or prescription by a person licensed to practice medicine in this state and, therefore, must not be regarded as medical opinion or advice."

"(c) Any person engaging in the fitting and sale of hearing instruments shall ascertain whether a person under the age of 18 has been examined by a physician for his recommendation to be fitted with a hearing instrument within six months prior to the fitting. If such not be the case, no hearing instrument shall be sold to such person until such an examination is made."

"§34-14-11.

"(a) The board shall perform the following duties:

"(1) Authorize all disbursements necessary to carry out the provisions of this chapter;

"(2) Register persons who apply to the board who are qualified to engage in the fitting and sale of hearing instruments;

"(3) Administer, coordinate, and enforce this chapter, evaluate the qualifications and supervise the examinations of applicants for licensure under this chapter, issue and renew licenses and permits under this chapter, and investigate allegations of violations of this chapter;

“(4) Promulgate rules and regulations necessary to carry out the provisions of this chapter and to establish consumer protection provisions, provisions for prohibited practices, and requirements for businesses;

“(5) Issue and renew a dispenser’s license to sell and fit hearing instruments to any person who is duly licensed under the laws of this state as an audiologist; and

“(6) Furnish a list of persons licensed under this chapter, upon request.

“(b) The board shall be authorized to review individual appeals for exemption from required certification for a dispenser’s license.

“(c) The board may subpoena witness’s testimony and records for any official hearing or proceeding of the board.”

“§34-14-12.

“No person shall:

“(1) Sell, barter or offer to sell or barter a license or permit;

“(2) Purchase or procure by barter a license or permit;

“(3) Alter a license or permit;

“(4) Use or attempt to use as valid a license or permit which has been fraudulently obtained, counterfeited or materially altered; or

“(5) Willfully make a false statement in an application for license or apprentice permit or application for renewal of a license.”

“§34-14-13.

“This chapter is not intended to prevent any person from engaging in the practice of measuring human hearing for the purpose of selection of hearing instruments; provided, that such person or organization employing such person does not sell hearing instruments or accessories thereto.

“§34-14-14.

“A violation of this chapter shall be punishable as a Class “C” misdemeanor.”

“§34-14-30.

“(a) There is established a board of hearing instrument dealers which shall administer this chapter.

“(b) Members of the board shall be residents of the state and appointed by the Governor. The board shall consist of eight members as follows: five licensees, one of whom may be a fitter, one physician who specializes in diseases of the ear, one audiologist, and one consumer member. The consumer member shall have the same powers as other board members, except that the consumer member shall have no voting powers in matters of issuing, suspending, or revoking licenses, and neither the consumer, nor his or her spouse shall be a hearing instrument fitter or dispenser. Each hearing instrument fitter or dispenser on the board shall have no less than three years of experience and shall hold a valid license as a hearing instrument fitter or dispenser, as provided under this chapter. No member of the board shall be from the same business or firm of another board member, and no member shall be the spouse or immediate family member of another board member.

“(c) All members of such board shall be appointed by the governor from a list of qualified persons nominated by the Alabama hearing aid association. The term of office of each member shall be for four years. Before a member’s term expires, the governor shall appoint a successor to assume his duties upon the expiration of his predecessor’s term. A vacancy in the office of a member shall be filled by appointment for the unexpired term. The members of the board shall annually designate one member to serve as chairman, another to serve as vice chairman, and such other officers it deems necessary. The vice chairman shall serve as the complaints chairman of the board. All board members serving on the effective date of the act amending this code section shall retain their membership on the board.

“No member of the board who has served two or more full terms may be reappointed to the board until at least one year after the expiration of his or her most recent full term of office.

“(d) Members of the board shall receive for each day actually engaged in the duties of the office a per diem amount of \$25.00, not to exceed the sum of \$1,000.00 per year, and reimbursement for traveling expenses as provided in article 2 of chapter 7 of Title 36, and other expenses, said remuneration and reimbursement to be paid from appropriations made for this purpose.

“(e) The Governor may remove any member for neglect of duty, incompetency, or unprofessional conduct. The board may employ, and at its pleasure discharge, an executive secretary and such officers and employees as may be necessary, and the board shall fix their compensation.”

“§34-14-31.

“The Attorney General of the state shall act as legal adviser of the board and shall render such legal assistance as may be necessary in carrying out the provisions of this chapter.”

“§34-14-33.

“(a) On or before the tenth day of each month, the board shall pay into the state treasury all moneys received by it under this chapter during the preceding calendar month. The state treasury shall credit the moneys to the board of hearing instrument dealers account, which account is hereby created.

“(b) The moneys in the state board of health hearing aid account shall, upon the date this act is passed and approved by the Governor, or upon its otherwise becoming a law, be transferred to the account of the Board of Hearing Instrument Dealers, and the board may use funds in the account for the purpose of paying the expenses of administering and enforcing the provisions of this chapter.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective 90 days following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 3, 1994

Time: 1:15 P.M.

Act No. 94-181

H. 134 – Rep. Cagle

AN ACT

Relating to Walker County; granting certain county employees a day of personal leave in lieu of the Mardi Gras holiday.

Be It Enacted by the Legislature of Alabama:

Section 1. In Walker County, employees employed by the county commission shall be granted one personal leave day per year corresponding to the personal leave day granted to state employees in lieu of the Mardi Gras holiday. The personal leave day shall be granted on January 1 of each year shall be used by the end of the calendar year. The personal leave days shall be scheduled in a

reasonable manner by the county employee with approval of the supervisor of the employee. A supervisor failing to approve the personal leave day for an employee shall justify the failure in writing to the county commission and the affected employee shall receive pay at a rate not less than his or her customary rate of pay for any personal leave day which is not approved and taken by December 31 of each year. The personal leave day granted by this act shall be effective for the calendar year in which this act becomes effective.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 3, 1994

Time: 1:16 P.M.

Act No. 94-182

H.J.R. 181 – Reps. Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harner, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson,

Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING QUARTERBACK STAN WHITE OF AUBURN UNIVERSITY FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Stan White, with only seconds remaining, threw the unforgettable 50-yard touchdown pass to give the South a 35-32 victory over the North in the 1993 45th Senior Bowl Classic, and was named Most Valuable Player of the game; however, this was only the finishing touch to an already storybook 1993 season and outstanding college football career for the Auburn senior quarterback; and

WHEREAS, Stan White, who was the only major college quarterback in the nation to have an undefeated season, and the only quarterback in Auburn history to lead a team to a perfect 11-0-0 season, had completed 164 of 271 passes for 2,057 yards and 13 touchdowns; completed 60.5 percent of his passes with only eight interceptions; and had added 33 yards rushing and four rushing touchdowns to his credit for the '93 season; and

WHEREAS, as an Auburn record holder, he compiled 7,920 yards total offense, 1,231 passing attempts, 659 pass completions, and 8,016 in passing yardage; among other accomplishments, he is the only player in AU history to have attempted more than 1,000 passes and to pass for more than 8,000 yards, and his 40 TD passes rank second in the AU career record books; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in tribute to his outstanding athletic career, we hereby most highly commend quarterback Stan White of Auburn University, for whom a copy of this resolution shall be provided.

Approved March 3, 1994

Time: 1:17 P.M.

Act No. 94-183

H.J.R. 182 – Reps. Butler, Anderson, Barnes,
 Beasley, Biddle, Black (L),
 Black (M), Blakeney, Bowling,
 Box, Bryant, Burke, Buskey,
 Cagle, Campbell, Carns,

Carothers, Carter, Clark (J),
 Clark (W), Clay, Collins, Cosby,
 Crow, Cullins, Curry, Dolbare,
 Drake, Flowers, Ford,
 Freeman, Fuller, Gaines,
 Gaston, Goodwin, Gullatt,
 Hall (A), Hall (L), Hamilton,
 Hammett, Haney, Harper,
 Harvey, Hawkins, Haynes,
 Higginbotham, Hill, Hilliard,
 Hogan, Holladay, Holley,
 Holmes, Hooper, Johnson,
 Kennedy, Knight (A),
 Knight (J), Kvalheim, Laird,
 Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican,
 Morrow, Morton, Newton (C),
 Newton (D), Page, Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole, Powell,
 Rich, Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams,
 Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING AUBURN UNIVERSITY ON ITS SPECTACULAR 1993 FOOTBALL SEASON.

WHEREAS, it is with great pride and highest commendation that the Alabama Legislature recognizes the Auburn Tigers of Auburn University for an incredible 1993 football season; and

WHEREAS, they willed it so, and so it was; the Auburn Tigers, plagued by adversity and uncertainties, dared to dream and achieved what to some seemed the impossible — an 11-0 record season, to become the only undefeated major college team in the nation; and

WHEREAS, it was a matter of AttitUde — commitment, faith and hard work — as step-by-step, and one-by-one, they met each challenge, defeating successively Ole Miss (16-12), Samford (35-7),

LSU (34-10), Southern Mississippi (35-24), Vanderbilt (14-10), Mississippi State (31-17), Florida (38-35), Arkansas (31-21), New Mexico State (55-14), Georgia (42-28), and defending national champion Alabama (22-14); and

WHEREAS, Coach Bowden and his Auburn Tigers are indeed deserving of highest acclaim for a phenomenal season that will long remain in the hearts and minds of Auburn fans everywhere; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the Auburn University Tigers, and do further direct that copies of this resolution be prepared for appropriate presentation and display at Auburn University.

Approved March 3, 1994

Time: 1:18 P.M.

Act No. 94-184

H.J.R. 183 – Rep. Page

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. HERMAN G. BLACKWELL ON THE OCCASION OF THEIR 65TH WEDDING ANNIVERSARY.

WHEREAS, in noting with great pleasure the 65th Wedding Anniversary of Mr. and Mrs. Herman G. Blackwell, the Legislature of Alabama most highly commends their commitment to the ideals of marriage which have enriched their lives and inspired all those who have witnessed their devotion; and

WHEREAS, Mr. Blackwell and his wife, the former Ruby Murphy, were married January 28, 1929, and of this union were born two daughters, Iva and Sharon, and a son, Gary; they also are the loving grandparents of seven grandchildren, seven great grandchildren, and two great-great grandchildren; and

WHEREAS, Herman and Ruby Blackwell, who are very prominent members of the Black Creek community in Etowah County, are 84 and 81 years young, respectively; Herman, the owner and operator of Blackwell's Service Station for more than 30 years, also cut men's hair, again for over 30 years, and played an instrumental role in the organization and founding of the Black Creek Volunteer Fire Department, while Ruby has become famous for

her culinary arts, most especially for her chocolate pie which is the best chocolate pie on Lookout Mountain; and

WHEREAS, the 65th Anniversary occasion is indeed a milestone in the life of this fine couple, and is a cause for rejoicing, not only by Mr. and Mrs. Blackwell, but by their family and their many friends throughout the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mr. and Mrs. Herman G. Blackwell on their 65th Wedding Anniversary, January 28, 1994, and direct that they receive a copy of this resolution, with sincere best wishes for many more years of happiness together.

Approved March 3, 1994

Time: 1:19 P.M.

Act No. 94-185

H.J.R. 184 – Reps. Kennedy, Buskey,
Clark (W)

HOUSE JOINT RESOLUTION

RECOGNIZING CHRIST TEMPLE APOSTOLIC CHURCH OF MOBILE, ALABAMA.

WHEREAS, Christ Temple Apostolic Church of Mobile was organized and founded on June 15, 1989, during a "UNITY" meeting held at the Crichton Church of God, when a band of some of its original members made a decision to depart from their former church and begin anew in oneness of spirit and purpose "to worship God in the beauty of holiness," and to seek spiritual growth and opportunities for service; and

WHEREAS, comprised of individuals from varied walks of life from ages 6 to 65 and older, Christ Temple became a legal, as well as spiritual body under the organizational name of The Apostolic Assemblies Fellowship, Incorporated, and, on March 3, 1990, Elder James E. Finley, pastor and founder, was consecrated and installed as first bishop and under-shepherd; and

WHEREAS, among many other notable milestones in the church's history, the first Sunday School convention was held in Leroy, Alabama, at Grace Temple Apostolic Fellowship Church, February 18-21, 1993; Bishop Timothy D. Monigan of Richmond,

California, was consecrated second bishop of The Apostolic Assemblies Fellowship, Inc., during Pentecostal Assembly; and, in January of this year, a service of consecration, dedication and thanksgiving was held to commemorate the official opening of the new Church edifice begun a year earlier; and

WHEREAS, in just little more than four and one-half years, under the dedicated Christian leadership of Dr. Finley, Christ Temple has experienced significant growth and progress in Christian service and outreach ministry, including the appointment of 22 trustees, the commission of two foreign missionaries and two national evangelists, and the ordination of seven ministers, 18 elders, and 14 deacons; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we pay tribute to Christ Temple Apostolic Church of Mobile, Alabama, and to its outstanding history and accomplishments in Christian commitment and service.

BE IT FURTHER RESOLVED, That a copy of this resolution be directed to Dr. James E. Finley, Pastor, on behalf of the entire congregation.

Approved March 3, 1994

Time: 1:20 P.M.

Act No. 94-186

H.J.R. 186 – Rep. Page

HOUSE JOINT RESOLUTION

RECOGNIZING MAX AND NELL HOOKS AND THE MOUNTAINBORO WATCH PATROL.

WHEREAS, founded in 1991, the Mountainboro WATCH Patrol was initiated, planned and established by Max and Nell Hooks for the purpose of reducing crime in the Mountainboro community of Sand Mountain, Alabama; and

WHEREAS, it was solely through the initiative and diligence of Max and Nell Hooks that the Mountainboro WATCH Patrol became a reality, and has grown from just one route of 11 miles, covered by 12 drivers on patrol, to an area of some 32 square miles patrolled by 24 drivers; and

WHEREAS, as a result of these safety patrols, the Mountainboro community has not only experienced a phenomenal drop in

crime, but area residents have enjoyed an increased feeling of security, knowing that the program's dedicated patrol drivers are constantly on the alert for any suspect situations and/or criminal activity; and

WHEREAS, Max and Nell Hooks, as founding president and secretary-treasurer, respectively, also voluntarily assumed responsibility for raising the funds necessary for the operation of the Mountainboro WATCH Patrol, and continue to work tirelessly to assure its ongoing success; and

WHEREAS, the contributions of Max and Nell Hooks, and of the Mountainboro WATCH Patrol, have indeed been of inordinate benefit to the Sand Mountain community, and it is with highest praise that the Legislature recognizes Mr. and Mrs. Hooks, the patrol drivers, and the Mountainboro Community Watch Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby publicly endorse the worthy purpose of the Mountainboro WATCH Patrol, express great pride in its success, and commend the Association and the WATCH program founders, Max and Nell Hooks.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Max and Nell Hooks, and that a copy also be provided for the Mountainboro Community WATCH Association.

Approved March 3, 1994

Time: 1:21 P.M.

Act No. 94-187

H.J.R. 187 – Reps. Penry, McMillan

HOUSE JOINT RESOLUTION

COMMENDING MICHAEL L. HILL OF GULF SHORES, ALABAMA, FOR EXTRAORDINARY HEROISM.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Michael L. Hill of Gulf Shores, Alabama, as recipient of the Carnegie Medal for extraordinary bravery awarded by the Carnegie Hero Fund Commission; and

WHEREAS, on July 2, 1992, while walking on the beach, Michael Hill, a 23 year-old college student, was alerted to the plight of a woman struggling helplessly against the current, which was pulling her relentlessly away from shore; and

WHEREAS, Mr. Hill, realizing the urgency of the situation, reacted swiftly and deliberately, and, without regard for his own personal safety, entered the water and swam to her rescue; and

WHEREAS, grasping the woman's arm he headed toward shore; struggling against the opposing current and fighting exhaustion, he persisted determinedly until he had the woman within the safety of shore; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Michael L. Hill, recipient of the Carnegie Medal, whose valiant action exemplifies the highest degree of concern of one human being for another in distress.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Hill as an expression of our sincere admiration and esteem.

Approved March 3, 1994

Time: 1:22 P.M.

Act No. 94-188 H.J.R. 190 – Reps. McDowell, Zoghby, Kennedy,
Gullatt, Hall (L)

HOUSE JOINT RESOLUTION

COMMENDING MS. LINDA BROOKS GEISS, PUBLISHER OF THE WOMEN'S EXCHANGE FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, the Legislature of Alabama in great personal pride, commends Ms. Linda Brooks Geiss of Birmingham, Alabama, an Alabamian of extraordinary achievement; and

WHEREAS, Ms. Geiss, the publisher of the Women's Exchange, a yellow pages resource directory, is responsible for the new city-wide directory to assist female entrepreneurs in contacting certain businesses as a result of desiring to help females facing career challenges; and

WHEREAS, this annual publication, free to the Greater Birmingham area, will offer articles of advice and encouragement and will serve as a guide to organizations, medical services, legal assistance, hotlines, counseling, media exposure, public officials, equal opportunity companies, female business owners, and all

other avenues heretofore unavailable to the woman in business; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement and many contributions to further female entrepreneurs, we hereby most highly commend and congratulate Ms. Linda Brooks Geiss, and do further direct that copies of this resolution be forwarded to Ms. Geiss.

Approved March 3, 1994

Time: 1:23 P.M.

Act No. 94-189

H.J.R. 191 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

HONORING DR. RICHARD H. ESHAM OF MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Dr. Richard H. Esham of Mobile, Alabama, for outstanding professional achievement and service; and

WHEREAS, Dr. Esham, a native of Maysville, Kentucky, earned his B.A. degree with honors from Andrews University, a Doctorate of Medicine from the University of Louisville, and served his internship and residency at the University of Alabama Hospitals and Clinics in Birmingham, Alabama; he further served as chief resident and as an instructor with University Hospitals from 1971 to 1972; and

WHEREAS, following service in the United States Army, for which he was awarded the Army Commendation Medal, Dr. Esham served in private practice, and as clinical assistant professor of medicine at the University of South Alabama (USA) in Mobile from 1974 to 1990; he since has served as chief of the Division of General Internal Medicine and Geriatrics, medical director of Clinical Operations for the Department of Medicine, and professor of medicine at the USA College of Medicine; and

WHEREAS, throughout his career, Dr. Esham has served his profession and the medical community by providing invaluable leadership and support to health and medical agencies, associations, and societies on local, state and national levels, including

the State Health Planning Agency, the Medical Society of Mobile County, and the American College of Physicians, and currently serves as chairman of the board of the Alabama State Board of Medical Examiners, the Alabama Department of Public Health and the Medical Association of the State of Alabama; and

WHEREAS, Dr. Esham, who is a member of numerous medical societies, further extends his leadership and professional expertise to a number of civic and service organizations, and to area hospitals which he serves by appointment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, we hereby most highly commend Dr. Richard H. Esham of Mobile, Alabama, for whom a copy of this resolution shall be provided.

Approved March 3, 1994

Time: 1:24 P.M.

Act No. 94-190

H.J.R. 192 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

COMMENDING DR. BYRON GILLIAM BROGDON OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature takes great pride in commending Dr. Byron G. Brogdon of Mobile Alabama, who has served as the University of South Alabama's Distinguished Professor of Radiology from July 1989 to the present; and

WHEREAS, Dr. Brogdon also served as the Chairman of the Department of Radiology at the University of New Mexico from July 1967 through December 1977; and

WHEREAS, Dr. Brogdon also served as the Chairman of the Department of Radiology for the University of South Alabama College of Medicine from 1985 through 1992; and

WHEREAS, Dr. Brogdon has also received numerous awards including the Distinguished Alumnus Award from the University of Arkansas School of Medicine in 1978, and the prestigious Sigma Xi in 1979; he won first place in the AMA National Awards Programs for Medical Speakers, Professional Audience Speech, 1979, and was Gold Medalist for both the Association of University Radiologists in 1985 and the American College of Radiology in 1987; and

WHEREAS, licensed to practice medicine in Alabama, Arkansas, Florida, Maryland, New Mexico, and Texas, he has served as President of the Association of University Radiologists, 1973-1974, as President of the American College of Radiology, 1978-1979, and as an American Medical Association Delegate to the House of Delegates from 1988 to the present; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, we hereby highly commend Dr. Byron Gilliam Brogdon, whom we hold in utmost regard and to whom a copy of this resolution shall be forwarded.

Approved March 3, 1994

Time: 1:25 P.M.

Act No. 94-191

H.J.R. 193 – Rep. Knight (J)

HOUSE JOINT RESOLUTION

COMMENDING MRS. JOHNNIE CARR OF MONTGOMERY, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE AND ACHIEVEMENT.

WHEREAS, Johnnie Carr, a native of the City of Montgomery, is a founder and president of the Montgomery Improvement Association; and

WHEREAS, Mrs. Carr worked tirelessly with Dr. Martin Luther King, Jr., during the 1950s, the infancy of the modern Civil Rights Movement which started in Montgomery; and

WHEREAS, Mrs. Carr has continued to work for civil rights and in support of voter registration through the decades of the 1960s, 1970s, 1980s and 1990s; and

WHEREAS, Mrs. Carr is a member of the Southern Christian Leadership Conference, and of the National Baptist Women's Convention; and

WHEREAS, Mrs. Carr has been recognized by many organizations for her outstanding and lifelong contributions to her community; and

WHEREAS, Mrs. Carr was honored on January 14, 1994, by the Alabama Shakespeare Festival with one of the first four Pioneer Awards; and

WHEREAS, Mrs. Carr was honored with the Pioneer Award along with Virginia Durr; Mae C. Jemison, M.D.; and Rosa Parks, all of whom are giants among pioneering women in the State of Alabama; and

WHEREAS, Mrs. Carr's award recognizes a pioneering spirit that was strong enough to help her to make a life of her own, despite overwhelming odds; and

WHEREAS, Mrs. Carr's work for civil rights and voting rights over the past five decades has improved the lives of thousands of citizens in the State of Alabama and the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to her community, and as a staunch supporter of civil rights and voting rights over the past five decades, we hereby commend Mrs. Johnnie Carr of Montgomery, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

Approved March 3, 1994

Time: 1:26 P.M.

Act No. 94-192

H.J.R. 196 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 24, 1994, they adjourn to meet again on Tuesday, March 1, 1994.

Approved March 3, 1994

Time: 1:27 P.M.

Act No. 94-193

H. 191 – Rep. Harper

AN ACT

To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the fiscal year ending September 30, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections for the Institutional Services Program the sum of two million dollars (\$2,000,000) for the fiscal year ending September 30, 1994. The appropriation made in this act is in addition to any and all other funds heretofore or hereafter appropriated to the Department of Corrections.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1994

Time: 10:30 A.M.

Act No. 94-194

H. 190 – Rep. Harper

AN ACT

To amend the General Fund appropriation bill, Act 93-771, H. 223, 1993 Regular Session, to provide for a supplemental appropriation to the Alabama Forestry Commission from the Alabama Forestry Commission Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2C. 61. of Act 93-771 of the 1993 Regular Session is amended to read as follows:

“61. FORESTRY COMMISSION, ALABAMA:

(a) Forest Resources Protection and Development Program	24,481,581
(b) Birmingham Metro Forestry Unit	96,800
(c) People Against a Littered State	101,640
(d) Capital Outlay Program	500,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer	12,474,757
(2) Federal and Local Funds	4,396,531

(3) Forestry Commission
Fund

8,308,733

Total Alabama Forestry Commission	12,474,757	12,705,264	25,180,021
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"Of the above appropriation to the Alabama Forestry Commission, \$2,365,902 shall be used for rural and community fire protection, and \$443,385 shall be used for forestry research, marketing, management and environmental improvement grants and \$25,000 shall be expended for the Pine Beetle Project at the University of North Alabama. Of the above appropriation, \$50,000 shall be expended at the Forestry Resource Center and \$25,000 shall be expended for the LBW Scenic Trail.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1994

Time: 10:31 A.M.

Act No. 94-195

H. 139 – Reps. Carothers, Johnson, Flowers,
Hall (A), Letson, Gaston, Haynes,
Kvalheim, Freeman

AN ACT

To amend Section 34-24-337, Code of Alabama 1975, by increasing the fee for reinstatement of a medical license from \$50 to \$250 plus past due renewal fees, not to exceed a total of \$500 for each reinstatement; to provide that within 60 days after an application for reinstatement has been received by the commission, the Board of Medical Examiners may file a notice of intent to contest reinstatement; to provide for the filing of an administrative complaint by the board, and to make a provision for a hearing before the medical licensure commission; to authorize the commission to deny reinstatement of a license upon stated grounds; to permit the commission to reinstate the license subject to restrictions and conditions of probation as provided for current law; to provide for appeals of the decisions of the medical licensure commission under the Alabama Administrative Procedure Act; to provide that the revocation of a license under subparagraph (a) of Section 34-24-337 shall not deprive the commission of further jurisdiction to hear and adjudicate written complaints by the Board of Medical Examiners; and to provide that fees which accompany applications for reinstatement of license are not refundable.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend Section 34-24-337, Code of Alabama 1975, as follows:

"§34-24-337.

“(a) Every person licensed to practice medicine or osteopathy in the state of Alabama shall, on or before December 31 of each succeeding year, apply to the commission for a certificate of registration which shall be effective during the next calendar year. All new licenses issued by the commission, upon application, shall be registered by the commission at the time of issuance, and a certificate of registration, which shall be effective until and including the following December 31, shall be issued to the licensee. Each application shall be made on a form to be furnished by the commission. Such application shall give the applicant’s name in full, his address, the date and number of the license issued to such applicant for the practice of medicine or osteopathy and such other facts as shall tend to identify the applicant for registration as the commission shall deem necessary. Each applicant for registration shall submit with the application a check in an amount to be set by the commission, not to exceed \$125.00 as a registration fee; provided, that the registration fee for a period of less than six months shall not exceed \$50.00. When any licensee shall fail to register and pay the annual registration fee within 30 days after registration becomes due, as provided in this section, the license of such person shall automatically be revoked without further notice or hearing; provided, that any person whose license is automatically revoked as provided herein may make application in writing to the commission for the reinstatement of such license, which shall be accompanied by payment of all past due renewal fees and the sum of \$250 (two hundred fifty dollars) not to exceed a total of \$500 (five hundred dollars) for each reinstatement. Reinstatement of the license shall be accomplished in accordance with subsections (b) through (g) of this section.

“(b) Within five days after receipt of the written application for ~~reinstatement and the fees as provided above,~~ the commission shall notify the Board of Medical Examiners ~~that the applicant has~~ applied for reinstatement and shall furnish the board with a copy of the application for reinstatement. Within 60 days from the receipt of the application for reinstatement by the commission, the board may file with the commission a notice which shall be termed a ‘NOTICE OF INTENT TO CONTEST REINSTATEMENT.’ The contents of the notice shall be sufficient to inform the commission that the board has probable cause to believe that grounds exist for the denial of the application for reinstatement and informing the commission that a hearing is requested before the commission prior to the reinstatement of the applicant’s license. A copy of the NOTICE OF INTENT TO CONTEST REINSTATEMENT shall be sent by the commission to the applicant by certified mail return receipt.

“(c) After 60 days from the date that the commission receives the application for reinstatement if the board has not filed a

NOTICE OF INTENT TO CONTEST REINSTATEMENT, or at any time that the board notifies the commission in writing that it has determined not to file a NOTICE OF INTENT TO CONTEST REINSTATEMENT or that it has determined to withdraw a NOTICE OF INTENT TO CONTEST REINSTATEMENT previously filed, then the commission shall reinstate the license of the applicant.

“(d) Within 30 days after the filing of a NOTICE OF INTENT TO CONTEST REINSTATEMENT, the board shall file with the commission a written complaint which shall be served upon the applicant and set down for hearing by the commission in the manner prescribed in Section 34-24-361(e).

“(e) The commission may deny reinstatement of a license upon a finding that the applicant has committed any of the acts or offenses set forth in Sections 34-24-360, 34-24-57, 16-7-148, or any other provision of law establishing grounds for the revocation, suspension, or discipline of a license to practice medicine. In addition, the commission may reinstate the license and impose any penalty, restriction, or condition of probation provided for in Sections 34-24-361(h) and 34-24-381 as it deems necessary to protect the public health and the patients of the applicant. If, at the conclusion of the hearing, the commission determines that no violation has occurred, the license of the applicant shall be reinstated.

“(f) All hearings and appeals under this subsection shall be governed by Sections 34-24-310 to 34-24-384, inclusive, and the Alabama Administrative Procedure Act, Section 41-22-1, et seq., Code of Alabama 1975.

“(g) Revocation of a license to practice medicine under subparagraph (a) of this section for non-payment of the annual registration fee shall not deprive the commission of jurisdiction to hear and adjudicate written complaints filed by the Board of Medical Examiners under the provisions of Section 34-24-361(e) and subsection (d) of this section. In all cases where an application for reinstatement is denied, the fees which accompany the application for reinstatement shall not be refunded and no applicant shall have the right to recover any part of such fees, the board being empowered to retain all of the fees in order to reimburse the state of expenses incident to the investigation of the applicant and the conduct of hearings as provided in this section.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1994

Time: 10:32 A.M.

Act No. 94-196

S. 362 – Senator Dial

AN ACT

Relating to Clay County; to further provide for the use of the Public Highway and Traffic Fund for the payment of the salaries and automobile expense of deputy sheriffs.

Be It Enacted by the Legislature of Alabama:

Section 1. The salaries of the deputy sheriffs of Clay County in an amount fixed by the Clay County Commission for the enforcement of motor vehicle and traffic laws may be paid from the Public Highway and Traffic Fund of the county. In addition, automobile purchases and expenses for the operation, maintenance, and repair of automobiles for the use of the deputy sheriffs of Clay County in the enforcement of traffic and motor vehicle laws may be paid by the Clay County Commission from the Public Highway and Traffic Fund.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1994

Time: 10:35 A.M.

Act No. 94-197

S. 397 – Senator Figures

AN ACT

To amend Section XV of Act No. 470, H. 952, Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, p. 298), as amended, which established the county-wide civil service system in Mobile County, to provide the procedures for filling vacancies by appointment in the classified service.

Be It Enacted by the Legislature of Alabama:

Section 1. Section XV of Act No. 470, H. 952 of the Regular Session 1939 (Local Acts 1939, p. 298), is amended to read as follows:

“Section XV. APPOINTMENTS. Whenever a vacancy is to be filled by an appointment, the appointing authority shall submit to the director a statement of the title of the position, and, if requested by the director, the duties of the position and desired qualifications of the person to be appointed, with a request that the director certify

to the appointing authority the names of persons eligible for appointment to the position. The director shall then certify to the appointing authority the names of the ten (10) eligible persons from the appropriate register and, if more than one vacancy is to be filled, the name of one additional eligible person for each additional vacancy or, if agreeable to the appointing authority, all the names on the register if they are fewer than ten (10) eligible persons.

Where residence qualifications are prescribed by the appointing authority, only those complying with residence qualifications shall be certified. If it is impossible to locate any of the eligible persons so certified, or should it become known to the director that any eligible person is not willing to accept the position, or there are less than the above required number of eligible persons, the appointing authority may request that additional names be certified until the proper number of persons eligible and available for the appointment have been certified. Within ten (10) days after the names are certified, the appointing authority shall appoint one eligible person who is certified to each vacancy which is to be filled. In the event there are fewer than the authorized number of eligible persons from which to make the selection, the choice may be from the remaining names or a provisional appointment may be made as provided by Section XIX of this act. In the event there is not an employment register which the director deems appropriate for the class in which the position is established, the director shall prepare a register within a reasonable time after receipt of the request of the appointing authority that eligible persons be certified. Whenever an eligible person has been certified to and rejected by the appointing authority three (3) times, the director may remove the name of the rejected person from the employment register. No vacancy shall be filled except as provided in this act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1994

Time: 10:36 A.M.

Act No. 94-198

S. 421 – Senator Sanders

AN ACT

Relating to Perry County; providing further for the distribution of the proceeds of the ad valorem taxes levied pursuant to Act No. 88-816, H. 309, 1988 Special Session.

Be It Enacted by the Legislature of Alabama:

Section 1. In Perry County, the nine mill ad valorem tax levied pursuant to Act No. 88-816, H. 309, 1988 Special Session shall be collected by the tax collector and distributed as follows:

(1) Thirty percent of the tax shall be directly levied for educational purposes and remitted to the county board of education.

(2) Seventy percent of the tax shall be remitted to the county general fund to be used for general county purposes.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 10, 1994

Time: 10:37 A.M.

Act No. 94-199

H. 135 – Rep. Cagle

AN ACT

Relating to Walker County; to provide for the distribution of a portion of any tonnage fee collected at any private landfill in the county and paid to the county for the purpose of providing an annual bonus to county employees.

Be It Enacted by the Legislature of Alabama:

Section 1. In Walker County, the first two hundred and fifty thousand dollars (\$250,000) of any tonnage fee received by the county, by contract or otherwise, from any private landfill in the county shall be earmarked and used on an annual basis to provide a bonus for each regular county employee who has at least one year of service on November 1 of each year of the bonus. The funds earmarked pursuant to this act shall be retained in the county treasury during each fiscal year and shall be distributed to each eligible county employee as soon after December 1 of the next fiscal year as practical. The funds shall be divided as nearly equal as possible. Any part-time regular employee who has at least one year of service on November 1 of each year of the bonus and who works over 20 hours per week shall receive a proportionate bonus based on the number of hours the employee works in relation to a full-time 40-hour week.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 14, 1994

Time: 9:00 A.M.

Act No. 94-200

S.J.R. 72 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING THE SELMA HIGH SCHOOL SAINTS ON THE 1994 STATE CLASS 6A BASKETBALL CHAMPIONSHIP AND DESIGNATING MARCH 10, 1994, AS “SELMA SAINTS DAY” IN THE STATE OF ALABAMA.

WHEREAS, it is with great pleasure that the members of the Alabama Legislature join their colleagues, Senator Hank Sanders, and Representatives W. F. “Noopie” Cosby, Jr., James L. Thomas and Jenkins Bryant, Jr., in most heartily congratulating Selma High School on the 1994 State Class 6A Basketball Championship; and

WHEREAS, the Selma Saints, who won the State 6A Title by virtue of a 64-48 victory over Le Flore High School at the Birmingham-Jefferson Civic Center on March 5, 1994, were superbly coached to the State 6A Championship, and an overall 22-11 season record, by Head Coach Willie E. Maxey, Jr., and Assistant Coaches Anthony Harris and Foster Davis; also assisting were Volunteer Coaches Ronald Lane and Kenneth Burden, along with Coach Emeritus Andrew A. Sewell; and

WHEREAS, the Selma High School Saints, each of whom greatly contributed to the team’s phenomenal season, are Donnie Johnson (All-Tournament and M.V.P.), Andre Chestnut (All-Tournament), and Julius (Doc) Robinson (All-Tournament), along with their talented teammates Bruce Dozier, Byron Evans, Robbie Fitts, Antonio Furlow, Eddie Harris, Eric Hyatt, Jarrin Lewis, Clifford Nix, Andrew Roper, Markho Strong, Lashonte Tolbert, Terry Torrance, and Antwan Walter; and

WHEREAS, serving as Team Managers were Jasper Bowie, Tavares Durgan, Farruk Iqbal, Chris Murry and Kelsey Pearl; Statisticians Cicley Nelson, Marquell Nelson and Ebony Reese; Videographer Derryl Roger; and Chaperone Shelia Carmichael; and

WHEREAS, the Selma High Varsity Cheerleaders, who enthusiastically led the student body, administrators, faculty, staff, and

countless other fans in cheering the Saints to victory were Tolanda Broadnax, Staci Brown, Michelle Goldsby, Stephanie Johnson, Myeliya Moten, Venus Childress, Kiaja Melton, Sheronica McGuire and Tyrinda Simms, who were coached by Ms. Lucretia Pettaway; Yolanda McGuire and Krystle Pettaway served as team managers, the cheerleaders' chaperones were Mrs. Barbara McGuire and Mrs. Linda Savage, and the Voice of the Saints — Mr. William "Bill" King; and

WHEREAS, further, the Selma High Saints, throughout the entire season, were consistently encouraged and fully supported by Athletic Director George Pugh; Selma City School Superintendent, Dr. James Carter; Principal, Mr. Donald Jefferson; and the school's Assistant Principals, Mr. William Minor and Mr. Herb McCreary; and

WHEREAS, in winning the 1994 State 6A Basketball Title, the Selma Saints are indeed deserving of highest praise, as are all those who played an instrumental role in the team's victorious season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Selma High School Saints on the 1994 State Class 6A Basketball Championship, and direct that copies of this resolution be prepared for appropriate presentation during the Award and Dedication ceremony on March 10, 1994.

BE IT FURTHER RESOLVED, That in recognition of outstanding achievement, and in tribute to Alabama's 1994 6A Basketball Champions, we hereby designate March 10, 1994, as "Selma Saints Day" in the State of Alabama.

Approved March 14, 1994

Time: 9:01 A.M.

Act No. 94-201

H.J.R. 230 – Rep. Lindsey

HOUSE JOINT RESOLUTION

COMMENDING LEONARD BRUCE OF CEDAR BLUFF, ALABAMA, ON HIS INDUCTION INTO THE ALABAMA HIGH SCHOOL SPORTS HALL OF FAME.

WHEREAS, it is with highest tribute that the Alabama Legislature notes the induction of Leonard (L.D.) Bruce of Cedar

Bluff, Alabama, into the Alabama High School Athletic Association High School Sports Hall of Fame, March 21, 1994; and

WHEREAS, Leonard Bruce, a native of Crossville, Alabama, attended Newberry College in South Carolina and, following service in the United States Navy during World War II, earned his B.S. and Master of Science degrees from Jacksonville State University; and

WHEREAS, he came to Cedar Bluff High School in Cherokee County in 1946, and, over the next 40 years, served with dedication as a coach, teacher, and principal, his position at retirement in 1986; and

WHEREAS, over his legendary coaching career, among numerous accomplishments, Coach Bruce compiled a spectacular 155-47-5 football coaching record, and led Cedar Bluff to several undefeated seasons from 1946 to 1966, including a streak of 58 consecutive games without a loss; however, perhaps his greatest achievement was the positive impact he had on the countless youth who came under his tutelage; and

WHEREAS, much loved and highly respected by his students and the community as a whole, Coach Bruce further has served his community in such capacities as scoutmaster for some 25 years; Sunday School teacher, superintendent and deacon, Cedar Bluff First Baptist Church; as a Mason and Lion's Club member, and as supervisor of the Cherokee County Head Start Program, which he helped to start; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and appreciation of outstanding service to Alabama athletics and the youth of our state, and as a member of the Alabama High School Sports Hall of Fame, we hereby most highly commend Leonard Bruce of Cedar Bluff, Alabama, for whom a copy of this resolution shall be provided.

Approved March 16, 1994

Time: 3:50 P.M.

Act No. 94-202

H. 505 – Reps. Hammett, Gullatt, Carothers,
Flowers, White, Turner, Williams,
Laird, Dolbare, Harvey, Campbell,
Parker (P)

AN ACT

To amend Section 16-5-8, Code of Alabama 1975, to provide for a uniform articulation agreement among all institutions of higher education and a statewide

general studies curriculum; to provide for the computation of grade point averages of certain transferred students; to specify that this act shall not impede the objectives of historically black institutions; to provide for implementation conditioned on the participation of certain institutions; and to specify certain reporting requirements.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-5-8, Code of Alabama 1975, is amended to read as follows:

“§16-5-8.

“(a) The commission on higher education is authorized to review periodically all new and existing programs and units of instruction, research, and public service funded by state appropriations at the state universities and colleges and to share with the appropriate governing board, through the president of the institution, and state legislature, its recommendations.

“(b) The commission shall seek through the use of advisory committees to study needless duplication of education, research, or service programs and programs which are not adequately provided in the state, and shall make findings and recommendations to the institutions, the governor, and the legislature that would strengthen the total program of higher education in the state.

“(c) The governing boards of public institutions of higher education in this state and the campuses under their governance or supervision shall not undertake the establishment of any new unit or program of instruction for academic credit with state funds before submitting plans for the new unit or program to the commission for its review, evaluation, and approval. No state funds shall be expended by any public institution on any new unit or program of instruction which has not been approved by the commission. Any plan submitted to the commission, or its staff, and not receiving final action by the commission within 10 months of submission shall be considered approved. The term ‘new unit of instruction,’ includes the establishment of a college, school, division or institute, and includes the establishment of any new branch or campus. The term does not include reasonable extensions or alterations of existing curricula, or programs which have a direct relationship to existing programs. The commission may, under its rulemaking power, define the character of the reasonable extensions and alterations.

“(d) The commission shall have the authority to authorize and regulate off-campus offerings, new or existing. An exception to this off-campus authority is provided for the branch campuses of universities or branch campuses of junior colleges in existence at the time of passage of this chapter whose fall 1978 registrations exceeded 500 class enrollments and branch campuses of universities operating

prior to 1960. For those branches which began operating since 1960, the commission shall present its recommendation for the continuation or termination of each branch with full findings of fact to the legislature before a public joint meeting of the education committees of the house and senate no later than the fifth legislative day of the 1981 regular session of the legislature. In making the recommendation, the commission shall not use the ratio of full-time faculty to part-time faculty and/or a requirement to attend the main campus for degree completion as a part of its judgment of the quality of a program or branch campus. The education committee of each house shall report to its respective house with a concurrence or nonconcurrence on each recommendation of the commission. Debate on each recommendation shall be limited to one hour of continuous uninterrupted discussion for each recommendation and at the end of the time, it shall be mandatory that the president of the senate and the speaker of the house shall in their respective houses call for a recorded vote. The resolution by simple majority of both houses is required to affirm a commission recommendation. No more than one branch shall be continued or terminated in one resolution.

"(e) The computerized advisement system for students operated by Troy State University which includes a comprehensive undergraduate program and course information for all public two-year and four-year institutions of higher education, existing on the effective date of this amendatory act, shall ensure students at each two-year institution accredited by the Southern Association's Commission on Colleges, the opportunity to enter into a contract with a four-year institution guaranteeing the transfer of credit earned for courses taken at the two-year institution pursuant to the terms of the contract provided the student is admitted to the four-year institution. Under this contract, all agreed upon credits transferred from a two-year institution to a four-year institution shall fulfill degree requirements at the four-year institution as if they were earned at the four-year institution. Information regarding this advisement and contracting program shall be included in the official catalog of each institution of higher education. All public two-year and four-year institutions in the state accredited by the Commission on Colleges shall participate in this system.

"In addition, there is created an articulation and general studies committee which shall consist of ten members composed as follows: two representing the state's regional universities, three representing the state's two-year colleges (one of whom shall be black), one representing each of the following: Auburn University, the University of Alabama System, the University of South Alabama, Alabama State University, and Alabama A&M University. The Executive Director of the Alabama Commission on Higher Education and the Director of the computerized advising

system operated by Troy State University shall serve as nonvoting members.

"Unless provided by the governing board of the respective institution, the representatives to the articulation and general studies committee shall be selected in the following manner: The presidents of the state's regional universities shall select the two representatives of these institutions on the committee. The State Board of Education shall select the representatives of the state's two-year colleges on the committee. The Chancellor of the University of Alabama System and the Presidents of Auburn University, the University of South Alabama, Alabama State University, and Alabama A&M University shall each select the representative of their institutions on the committee. It is the intent of the Legislature that women be represented on the committee. This committee, utilizing whatever resources and task forces it deems appropriate, shall develop no later than September 1, 1998, a statewide freshman and sophomore level general studies curriculum to be taken at all colleges and universities. Nothing herein shall be interpreted as restricting any institution from requiring additional general studies courses beyond the statewide general studies curriculum.

"This committee shall also develop and adopt no later than September 1, 1999, for the freshman and sophomore years, a statewide articulation agreement for the transfer of credit among all public institutions of higher education. Under this articulation agreement, all applicable credits transferred from a two-year institution to a four-year institution shall fulfill degree requirements at the four-year institution as if they were earned at the four-year institution. The committee shall further examine the need for a uniform course numbering system, course titles, and descriptions.

"A four-fifths vote of the entire voting membership of the committee shall be required for the adoption of the articulation agreement and general studies curriculum. Upon adoption of the articulation agreement and general studies curriculum, this committee shall continue its duty and authority prescribed herein. The committee shall meet at least annually, or at other times as convened by the chair. The committee shall elect annually a chair from its membership. The chair of the committee shall rotate annually between a representative of the four-year institutions and a representative of the two-year institutions.

"In case of problems in the administration or interpretation of the articulation agreement or the general studies curriculum, institutions shall present the problem to the articulation and general studies committee for resolution. A majority decision of the committee shall be final and binding.

"The budget recommendation of the commission shall not include an appropriation for institutions of higher education violating the stipulations of this section.

"(f) Nothing in this or any section, however, shall be construed to prohibit any institution of higher education in this state from seeking and securing by separate bill the approval of the legislature for any new unit or program of instruction, research or public service denied approval by the commission, in which case the action of the legislature, when approved by the governor or otherwise upon becoming law, is final.

"(g) Colleges and universities conducting off-campus offerings on military reservations are exempt from the commission's regulatory review and approval authority for those offerings on the military reservation."

Section 2. Nothing in this act shall be deemed to require a public institution to include any grades earned at another institution in the computation of a student's grade point average at that institution. However, if any public institution includes freshman and sophomore level course grades earned at any other public institution in the computation of a student's grade point average, all freshman and sophomore level course grades earned at all public institutions shall be included in the computation.

Section 3. Nothing in this act shall be interpreted or used in any way to discourage or impede the efforts or abilities of the historically black institutions or their officials to carry out the mandates and objectives of federal court decrees and to provide equal access for all citizens of Alabama to full benefits of higher education.

Section 4. It is the intent of the Legislature that all two-year and four-year institutions of higher education in the state comply with the intent of this act and the guidelines developed pursuant to it (unless otherwise exempted by this act). In the event of noncompliance by any institution governed by a board of trustees established by the Constitution with the statewide articulation agreement as provided in this act of the 1994 Regular Session amending Section 16-5-8 of the Code of Alabama 1975, no other two-year or four-year institution shall be required to comply with the statewide articulation agreement. These two-year and four-year institutions shall continue to comply with all other provisions of Section 16-5-8, Code of Alabama 1975. The Alabama Commission on Higher Education shall notify the Legislative Council, the governing body of each four-year institution, and the State Board of Education within 30 days of any failure to comply with this act or guidelines.

Section 5. Pursuant to Sections 16-5-7 and 16-5-8 of the Code of Alabama 1975, the Alabama Commission on Higher Education shall make regular reports to the Legislature regarding the implementation of this act.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 17, 1994

Time: 10:15 A.M.

Act No. 94-203

H. 9 – Rep. Campbell

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901 that would allow the Legislature to pass local legislation applicable to Calhoun County to change the method and procedure for effecting the sale of lands for the payment of delinquent taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) Notwithstanding Sections 104 and 105 to the contrary, the Legislature of the state of Alabama may enact local legislation applicable to Calhoun County to change the method prescribed by law for giving notice to delinquent Calhoun County taxpayers of their failure to pay taxes assessed against any property which is assessed to them and to change the notice required to be given them prior to the sale for taxes of the property and to change the method for issuing decrees for the sale of land and the trials held to determine whether the sales should be ordered and to change the method of giving notice to delinquent property owners to show

cause why a decree of sale should not be rendered against them and to change the method regarding the sale of the property and the report of the amount of taxes collected from the sale.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Calhoun County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House January 25, 1994

Passed the Senate as amended February 24, 1994

House concurred in Senate amendment March 15, 1994

Act No. 94-204

H. 63 – Rep. Morrow

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide for the incorporation of a regional airport authority by the City of Red Bay and Franklin County with political subdivisions in the State of Mississippi.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

(a) The City of Red Bay and Franklin County may join with political subdivisions of the State of Mississippi to organize a regional airport authority to be located in the State of Alabama or in the State of Mississippi.

The regional airport authority shall be incorporated according to the laws of the State of Alabama relative to the incorporation of airport authorities and shall have the same powers and authority of airport authorities organized under the general laws of the State of Alabama. The incorporation procedure shall be commenced by at least three natural persons, two of whom shall be residents of the City of Red Bay, and the other or others may be residents of the political subdivisions of the State of Mississippi. The incorporators shall be qualified electors of the political subdivision which they represent.

The regional airport authority shall be governed by a board of directors as provided in the certificate of incorporation or the bylaws. The governing body of each participating political subdivision shall appoint one member to the board of directors.

The regional airport authority may issue and sell its interest-bearing revenue bonds for its corporate purposes. The principal of and the interest on all bonds shall be payable solely from, and may be secured by a pledge of the revenues derived by the regional authority from the operation of any or all of its airports, facilities, and other property. The bonds issued or contracts entered into by the authority shall not constitute or create an obligation or debt of this state or of any county, city, or town within this state, or a charge against the credit or taxing powers of this state or of any county, city, or town within this state.

(b) ~~This amendment shall not become effective unless~~ approved at a referendum by a majority of the qualified electors of Franklin County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The

proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House January 25, 1994

Passed the Senate as amended March 1, 1994

House concurred in Senate amendment March 15, 1994

Act No. 94-205

H. 48 – Rep. Cullins

AN ACT

Proposing an amendment to Amendment No. 297 to the Constitution of Alabama of 1901 pertaining to Tallapoosa County to authorize the county commission to alter costs and charges of court.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

“The legislature may from time to time, by general or local laws applicable to or operative in Tallapoosa County, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Tallapoosa County; and may place any or all of the officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by the officers paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating the officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose.”

Section 2. This amendment shall not become effective unless approved at a referendum by a majority of the qualified

electors of Tallapoosa County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 3 of this act, and no further election shall be required.

Section 3. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 4. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House February 8, 1994

Passed the Senate as amended March 1, 1994

House concurred in Senate amendment, March 15, 1994

Act No. 94-206

S. 580 – Senator Bolling

AN ACT

Relating to Winston County; to reestablish a single governing body in and for Winston County, to be known as the Winston County Commission, to be composed of five commissioners, one of whom shall be chair of the commission; to provide for the selection and election of the chair and associate commissioners of the county commission; to fix their qualifications and term of office; to define and prescribe the jurisdiction, power, and authority of the county commission, its chair, and its commissioners; to repeal Act No. 326, H. 834, 1959 Regular Session (Acts 1959, p. 902), Act No. 78, H. 222, 1965 Regular Session (Acts 1965, p. 95), Act No. 277, H. 193, 1965 Regular Session (Acts 1965, p. 390), and Act No. 278, H. 195, 1965 Regular Session (Acts 1965, p. 392); and to repeal all laws, local and general, in conflict herewith.

Be It Enacted by the Legislature of Alabama:

Section 1. There is created and established in and for Winston County, a single governing body, which shall replace the

existing county governing body, and be known as the "County Commission of Winston County," the "Winston County Commission," the "Free State of Winston County Commission," or, when the context so indicates, the "County Commission," or, simply the "Commission."

Section 2. The County Commission shall be composed of five members; a chair and four associate commissioners, all of whom shall be qualified voters of Winston County, Alabama.

Section 3. The chair may reside anywhere in Winston County and shall be elected by the qualified electors of the county at-large at the general election to be held in and for Winston County in November 1996, and every four years thereafter, for a term of four years commencing on the first Monday after the second Tuesday in January next succeeding the election. The current Chair of the Winston County Commission, is designated as Chair to complete the term of office for which he or she was elected in November 1992.

Section 4. For purposes of election of associate commissioners of the Winston County Commission and for the purpose of governing the county, Winston County shall be divided into four districts: District One, the area composed of Beat Two-Box Two, Beat Two-Box Three, Beat Two-Box Four, and Beat Two-Box Six; District Two, the area composed of Beat Two-Box One, Beat Two-Box Five, Beat Two-Box Five-C, Beat Three-Box One, Beat Ten, and Beat Eleven; District Three, the area composed of Beat One, Beat Three-Box Two, Beat Four, Beat Six, and Beat Eight; and District Four, the area composed of Beat Five, Beat Seven, and Beat Nine.

Section 5. (a) Each associate commissioner shall reside in the district which he or she represents. Each associate commissioner shall be elected by the qualified electors of the district in which he or she lives at the general election to be held in and for Winston County in November 1994, and every four years thereafter, and shall serve a four-year term commencing on the first Monday after the second Tuesday in January, next succeeding the election.

(b) Candidates for chair and associate commissioner of the county commission shall be nominated by political parties as candidates for other county offices are nominated. The nomination or election of any candidate for chair or associate commissioner of the county commission may be contested in the same manner as the nomination or election of any candidate for Sheriff may be contested.

Section 6. In the event of a vacancy for any reason in the office of chair or associate commissioner of the County Commission, the vacancy shall be filled as otherwise provided by law.

Section 7. The County Commission shall have and exercise all the jurisdiction, power, and authority which are now or may

hereafter be vested in county commissions, and other like county governing bodies in Alabama; and the chair and associate commissioners of the county commission shall perform all of the duties and services which are or may be provided by law for chair and members of county commissions, including sole responsibility for the construction, repair, and maintenance of roads, bridges, and ferries in Winston County. The county commission shall have the following limitations to jurisdiction, power, authority, and duties relative to the construction, maintenance, and repair of roads, bridges, and ferries in said county;

(1) Any road and bridge funds, including state gasoline tax money belonging to Winston County, shall be used as allowed by law for the construction, maintenance, and repair of roads, bridges, and ferries, and shall be placed in the road department fund. The county commission may direct that one-third of the compensation for salaries of the chair and associate commissioners may be paid out of any road and bridge funds available for that purpose, including state gasoline tax funds belonging to Winston County.

(b) For the purpose of more effectively exercising its jurisdiction, power, and authority and performing its duties relative to roads and bridges, the county commission, its chair and associate commissioners shall from time to time inspect the roads and bridges of the county.

(c) Road and bridge funds, including state gasoline tax funds belonging to Winston County, spent by the road department shall be allocated to each district in the county in proportion to the number of miles of county road in each district except that the county commission may unanimously vote to spend funds before allocation to the districts on a project anywhere otherwise legally allowable. The road department is authorized to spend funds as requested by the county engineer and approved by a majority of the county commission on personnel, equipment, and supplies for the common good of Winston County and the road department, as otherwise allowed by law. Any portion of any act requiring Winston County's roads and bridges to be constructed, repaired, and maintained as a unit are repealed.

(d) Each associate commissioner has the legal discretion to spend road funds allocated to his or her district in the manner otherwise provided by law.

(e) The county commission shall appoint a county engineer, who shall possess all the qualifications prescribed for county engineers by the general laws of Alabama and who shall perform all the duties thereby required of county engineers. The county engineer's salary shall be fixed and payable in the manner described in the general law for fixing and paying the salary of county engineers.

Section 8. The county commission shall hold at least two regular meetings each month on the second and fourth Monday of the month. The commission may hold special meetings on the call of the chair or three associate commissioners of the county commission.

Section 9. The chair of the county commission shall be its presiding officer, and shall sign the minutes of the proceedings of the county commission, shall have the same power and authority as the associate commissioners in passing on all questions, shall sign all warrants drawn on the county treasury and all orders for the payment and disbursement of funds of the county, and shall sign all contracts entered into by the county commission. It shall be the duty of the chair to prepare the business and see that all orders thereof are properly executed. The chair shall exercise all duties otherwise required of the judge of probate in all matters coming before the county commission and shall devote his or her entire time to the office.

Section 10. The chair of the county commission shall serve as purchasing agent for the county, and shall negotiate for the purchase and acquisition of all supplies, equipment, materials, or contractual services required or used by the county or any of its officers, departments, and agencies. All purchases shall be made in accordance with the requirements of the general laws of Alabama. The chair shall keep a current inventory of all property owned or leased by the county, which inventory shall show where the property is usually located and in whose possession or under whose control it is.

Section 11. The county commission may appoint clerical assistance as is necessary for the convenient and orderly transition of its business, and fix the salaries and terms of employment. The county commission may require any of the employees to give bond in the sum as it may require, for the faithful performance of duty, and may pay the premium on the bond.

Section 12. Before entering upon the discharge of their duties, the chair and associate commissioners of the county commission shall take the oath required of public officers. Each of them shall also execute an official bond with, good and sufficient surety or sureties payable to the State of Alabama, conditioned faithfully to discharge the duties of office during the time he or she continues therein, or discharges any of the duties thereof. The bond of the chair shall be in the sum of ten thousand dollars, or such larger sums as may subsequently be required by state law. The bonds may be approved by the Judge of Probate of Winston County or the Judge of the Circuit Court of Winston County, and approval of the bonds is declared to be a judicial act. The bonds shall be filed and recorded in the office of the Judge of Probate of Winston County, and the premiums on the bonds shall be paid by the county.

Section 13. All rights, responsibilities, privileges, assets, and liabilities of the current county governing body of Winston County will be assigned to, and belong to, the Winston County Commission, upon passage of this act.

Section 14. Act No. 326, H. 834, 1959 Regular Session (Acts 1959, p. 902), Act No. 78, H. 222, 1965 Regular Session (Acts 1965, p. 95), Act No. 277, H. 193, 1965 Regular Session (Acts 1965, p. 390), and Act No. 278, H. 195, 1965 Regular Session (Acts 1965, p. 392) are specifically repealed. All other laws or parts of laws which conflict with provisions of this act are repealed.

Section 15. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 16. The provisions of this act shall become effective after its passage and approval by the Governor, and shall become operative only if approved by a majority of the electors of Winston County voting in a referendum to be held on March 22, 1994, if this act becomes effective prior to March 18, 1994, or at the earliest possible time thereafter set by the county commission. The current county commission of Winston County shall order and provide for the holding of a referendum on that date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Shall the provisions of Act No. ____ of the 1994 Regular Session of the legislature, approved the _____ day of _____, 1994, which provides for the establishment of a Winston County Commission elected by districts, be adopted? Yes (), No ()." If a majority of the votes cast in the election are "Yes" then the provisions of this act shall become operative immediately. If the majority are "No," this Act shall have no further effect. The results of the election shall be certified by the Judge of Probate to the Secretary of State, who shall make a permanent record thereof.

Approved March 17, 1994

Time: 4:15 P.M.

Act No. 94-207

H. 17 – Rep. Perdue

AN ACT

To amend Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, 41-16-54, and 41-16-21 Code of Alabama 1975, to increase the amounts of public contracts subject to the state's competitive bid laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 39-1-1, 39-2-2, 41-16-20, 41-16-24, 41-16-50, and 41-16-54, Code of Alabama 1975, are amended to read as follows:

“39-1-1.

“(a) Any person, firm, or corporation entering into a contract with the state or any county or municipal corporation or subdivision thereof in this state for the repair, construction, or prosecution of any public buildings or public work, highways, or bridges shall, before commencing the work, execute a performance bond, with penalty equal to 100 percent of the amount of the contract price. In addition, another bond, payable to the state, county, or municipal corporation or subdivision letting the contract, shall be executed in an amount not less than 50 percent of the contract price, with the obligation that the contractor or contractors shall promptly make payments to all persons supplying labor, materials, or supplies for or in the prosecution of the work provided in the contract and for the payment of reasonable attorneys’ fees incurred by successful claimants or plaintiffs in civil actions on the bond.

“(b) Any person, firm, or corporation that has furnished labor, materials, or supplies for or in the prosecution or repair of any public building or public work, highways, or bridges and payment has not been made may institute a civil action upon the bond and have their rights and claims adjudicated in a civil action and judgment entered thereon. Notwithstanding the foregoing, a civil action shall not be instituted on the bond until 45 days after written notice to the surety of the amount claimed to be due and the nature of the claim. The civil action shall be commenced not later than one year from the date of final settlement of the contract. The giving of notice by registered or certified mail, postage prepaid, addressed to the surety at any of its places of business or offices shall be deemed sufficient under this section. In the event the surety or contractor fails to pay the claim in full within 45 days from the mailing of the notice, then the person or persons may recover from the contractor and surety, in addition to the amount of the claim, a reasonable attorney’s fee, together with interest on the claim from the date of the notice.

“Every person or persons having a right of action on the last described bond as provided in this section shall, upon written application to the authority under the direction of whom the work has been prosecuted, indicating what labor, material, foodstuffs, or supplies for the work that have been supplied and that payment has not been made, will be promptly furnished a certified copy of the additional bond and contract. The claimant may bring a civil action on the bond in the county in which the work is to be performed or in any county where the contractor or surety does business, for the use and benefit against the contractor and the surety, or either of them.

"In addition to any other legal mode of service, service of summons, and other process in civil actions brought in the county where the work is let or done may be had on the contractor or the surety on the last described bond by leaving a copy of the summons and complaint or other pleading or process with the director of the highway department, if the contract is a state highway contract, or with the executive officer of the city, town, board, commission, or authority letting the contract or charged with the payment of the contract price, if the contract is not a state highway contract. The bond last described shall have a provision binding the principal contractor and surety to the mode of service above described and consenting that the service shall be the same as personal service on the contractor or surety.

"Immediately on service being made on the director of the highway department or executive officer of a city, town, board, commission, or authority, the director or executive officer shall immediately mail a copy of the process to the contractor and surety at the address given in the bond.

"(c) This section shall not require the taking of a bond to secure contracts in an amount less than twenty thousand dollars (\$20,000).

"(d) The contractor shall, immediately after the completion of the contract, give notice of the completion by an advertisement in a newspaper of general circulation published within the city or county in which the work has been done, for a period of four successive weeks. A final settlement shall not be made upon the contract until the expiration of 30 days after the completion of the notice. Proof of publication of the notice shall be made by the contractor to the authority by whom the contract was made by affidavit of the publisher and a printed copy of the notice published. If no newspaper is published in the county in which the work is done, the notice may be given by posting at the courthouse for 30 days, and proof of same shall be made by the judge of probate, sheriff, and the contractor.

"This subsection shall not apply to contractors performing contracts of less than twenty thousand dollars (\$20,000) in amount. The governing body of the contracting agency, to expedite final payment, shall cause notice of final completion of the contract to be published one time in a newspaper of general circulation, published in the county of the contracting agency and shall post notice of final completion on the agency's bulletin board for one week, and shall require the contractor to certify under oath that all bills have been paid in full. Final settlement with the contractor may be made at any time after the notice has been posted for one entire week."

"39-2-2.

"Before entering into any contract for a public improvement involving an amount in excess of twenty thousand dollars (\$20,000), the awarding authority shall advertise for sealed bids once each week for three consecutive weeks in a newspaper of general circulation in the county or counties in which the improvement or undertaking, or some part thereof, is to be made. The awarding authority may also advertise in other publications as it may deem advisable. The advertisements shall state that plans and specifications for the improvement are on file in the office of the authority and shall state the time and place in which bids will be received and opened. All bids shall be opened publicly at the advertised time and place. No public improvement as defined in this chapter involving a sum in excess of twenty thousand dollars (\$20,000) shall be split into parts involving sums of twenty thousand dollars (\$20,000) or less for the purpose of evading the requirements of this section.

"An awarding authority may let contracts for public improvements involving twenty thousand dollars (20,000) or less with or without advertising or sealed bids.

"All contracts for the construction, repair, renovation, or maintenance of public improvements entered into in violation of this section shall be null, void, and violative of public policy; provided, however, that all contracts for the construction, repair, renovation, or maintenance of public buildings entered into in violation of this section shall also be null, void, and violative of public policy. Anyone who violates this article concerning public buildings shall be guilty of a Class C felony."

"41-16-20.

"All contracts of whatever nature for labor, services, work, or for the purchase or lease of materials, equipment, supplies, or other personal property, involving seven thousand five hundred dollars (\$7,500.00) or more, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office shall, except as otherwise provided in this article, be let by free and open competitive bidding, on sealed bids, to the lowest responsible bidder."

"41-16-24.

(a) The purchasing agent shall advertise for sealed bids on all purchases in excess of seven thousand five hundred dollars (\$7,500) by posting notice thereof on a bulletin board maintained outside the office door or by publication of notice thereof, one time, in a newspaper published in Montgomery county, Alabama, or in

any other manner, for such lengths of time as the purchasing agent may determine. The purchasing agent shall also solicit sealed bids by sending notice by mail to all Alabama persons, firms, or corporations who have filed a request in writing that they be listed for solicitation on bids for the particular items set forth in the request and the other persons, firms, or corporations the purchasing agent deems necessary to insure competition. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three solicitations, the listing may be cancelled by the purchasing agent.

“(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of the permanent file or records and shall be open to public inspection.

“(c) If the purchase or contract will involve an amount of seven thousand five hundred dollars (\$7,500) or less, the purchasing agent may make the purchases or contracts either upon the basis of sealed bids or in the open market.

“(d) No purchase or contract involving an amount in excess of seven thousand five hundred dollars (\$7,500) shall be divided into parts involving amounts of seven thousand five hundred dollars (\$7,500) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving seven thousand five hundred dollars (\$7,500) or less shall be void.”

“41-16-50.

“(a) All expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving seven thousand five hundred dollars (\$7,500) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is or becomes legally and contractually bound under the terms of the lease, to pay a total amount of seven thousand five hundred dollars (\$7,500) or more, made by or on behalf of any state trade school, state junior college, state college or university under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions, and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, except as hereinafter provided, shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder. In the

event a bid is received for an item of personal property to be purchased or contracted for from a person, firm, or corporation deemed to be a responsible bidder, having a place of business within the county, where the awarding authority is the county or instrumentality thereof, or within the municipality, where the municipality or an instrumentality thereof is the awarding authority, and the bid is no more than three percent greater than the bid of the lowest responsible bidder, the awarding authority may award the contract to the resident responsible bidder. In the event only one bidder responds to the invitation to bid, the awarding authority may reject the bid and negotiate the purchase or contract, providing the negotiated price is lower than the bid price.

“(b) The governing bodies of two or more contracting agencies, as enumerated in subsection (a) within the same county or adjoining counties, may provide, by joint agreement, for the purchase of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property for use by their respective agencies. The agreement shall be entered into by similar ordinances, in the case of municipalities, or resolutions, in the case of other contracting agencies, adopted by each of the participating governing bodies, which shall set forth the categories of labor, services, or work, or for the purchase or lease of materials, equipment, supplies, or other personal property to be purchased, the manner of advertising for bids and the awarding of contracts, the method of payment by each participating contracting agency, and other matters deemed necessary to carry out the purposes of the agreement. Each contracting agency's share of expenditures for purchases under any agreement shall be appropriated and paid in the manner set forth in the agreement and in the same manner as for other expenses of the contracting agency. The contracting agencies entering into a joint agreement, as herein permitted, may designate a joint purchasing agent, and the agent shall have the responsibility to comply with this article. Purchases, contracts, or agreements made pursuant to a joint purchasing agreement shall be subject to all terms and conditions of this article.

“(c) All bidders shall furnish a bid bond on any contract exceeding ten thousand dollars (\$10,000); provided, that bonding is available for the services, equipment or materials.”

“41-16-54.

(a) All proposed purchases in excess of seven thousand five hundred dollars (\$7500) shall be advertised by posting notice thereof on a bulletin board maintained outside the purchasing office and in any other manner and for any length of time as may be determined. Sealed bids shall also be solicited by sending notice by mail to all persons, firms, or corporations who have filed a

request in writing that they be listed for solicitation on bids for the particular items that are set forth in the request. If any person, firm, or corporation whose name is listed fails to respond to any solicitation for bids after the receipt of three solicitations, the listing may be cancelled.

“(b) All bids shall be sealed when received, shall be opened in public at the hour stated in the notice, and all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of the permanent file or records and shall be open to public inspection.

“(c) If the purchase or contract will involve an amount of seven thousand five hundred dollars (\$7500) or less, the purchases or contracts may be made upon the basis of sealed bids or in the open market.

“(d) No purchase or contract involving an amount in excess of seven thousand five hundred dollars (\$7500) shall be divided into parts involving amounts of seven thousand five hundred dollars (\$7500) or less for the purpose of avoiding the requirements of this article. All such partial contracts involving seven thousand five hundred dollars (\$7500) or less shall be void.”

“§41-16-21

“(a) Competitive bids shall not be required for utility services where no competition exists or where rates are fixed by law or ordinance, and the competitive bidding requirements of this article shall not apply to: the purchase of insurance by the state; contracts for the securing of services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part; contracts of employment in the regular civil service of the state; tourist advertising by the state bureau of tourism and travel authorized under section 41-7-4 or advertising of the state parks by the department of conservation and natural resources; purchases of alcoholic beverages only by the alcoholic beverage control board; purchases for any hospital or campus medical facility which has a total licensed bed capacity of no less than 800 beds at the time of passage of this act, operated by any state department, except the department of mental health and mental retardation, board, bureau, commission, committee, institution, upon approval of the governing board of the institution, corporation, authority or office; purchases by the state highway department of local materials from any property owners in the vicinity of a project on which the local materials shall be used or purchases and contracts for repair of equipment used in the construction and

maintenance of highways by the state highway department; purchases of products made or manufactured by the blind or visually handicapped under the direction or supervision of the Alabama Institute for Deaf and Blind in accordance with sections 21-2-1 through 21-2-4; purchases of maps or photographs purchased from any federal agency; purchases of manuscripts, maps, books, pamphlets, or periodicals purchased for the use of any state library or any other library in the state supported in whole or in part by state funds; contractual services and purchases of commodities for which there is only one vendor or supplier; contractual services and purchases of personal property, which by their very nature are impossible of award by competitive bidding; barter transactions by the department of corrections; and purchases, contracts, or repairs by the state docks department when it is deemed by the director of state docks and the secretary-treasurer of the state docks department that the purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce. The director of state docks and the secretary-treasurer of the state docks department shall place a sworn statement in writing in the permanent file or records setting out the emergency or exigency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in that particular instance, and the sworn statement shall be open to public inspection. A copy of the sworn statement shall be furnished forthwith to the chief examiner of public accounts.

“(b) All educational and eleemosynary institutions governed by a board of trustees or other similar governing body and the state docks department shall be exempt from this article which relate to the powers, duties, authority, restrictions, and limitations conferred or imposed upon the department of finance, division of purchases and stores. The educational and eleemosynary institutions, the state docks department, and the other state agencies exempted from this article shall let by free and open competitive bidding on sealed bids to the lowest responsible bidder all contracts of whatever nature for labor, services or work or for the purchase or lease of materials, equipment, supplies, or other personal property involving seven thousand five hundred dollars (\$7500) or more. The institutions, departments, and agencies shall establish and maintain purchasing facilities as may be necessary to carry out the intent and purpose of this article by complying with the requirements for competitive bidding in the operation and management of each institution, department, or agency.

“(c) Contracts entered into in violation of this article shall be void.

“(d) Nothing in this section shall be construed as repealing sections 9-2-106 and 9-2-107.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 17, 1994

Time: 4:16 P.M.

Act No. 94-208

H. 595 – Rep. Zoghby

AN ACT

To repeal Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991) and Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) providing for minimum compensation for deputy sheriffs in Mobile County and to provide that such deputy sheriffs receive the same across-the-board pay raises and merit increases afforded to all other Mobile County employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990-991) an act “To provide for minimum compensation for all deputy sheriffs in certain counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal Census in the State of Alabama” is hereby expressly repealed.

Section 2. Act No. 80-797, S. 610, 1980 Regular Session (Acts 1980, p. 1630-1631) an act “To amend Section 1 of Act No. 710, H. 1102, 1976 Regular Session (Acts 1976, p. 990) an act providing for the minimum compensation of all deputy sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal Census in the State of Alabama” is hereby expressly repealed.

Section 3. From the effective date of this act all deputy sheriffs of all ranks of Mobile County shall receive any across-the-board pay raises granted to all other Mobile County employees as a whole and shall receive any merit increases received by and on the same basis as all other Mobile County employees as a whole.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 17, 1994

Time: 4:17 P.M.

Act No. 94-209

H. 611 – Reps. Freeman, Fuller, Turnham, White, Penry, Rogers (J), McClain, Gaines, Bowling, Rockhold, Holmes, Rich, Haney, Hooper, Sanderson, Blakeney, Carothers, Johnson, Mathis, Campbell, Harper, Anderson, McMillan, Parker (P), Box, Millican, Black (L), Spratt, Clark (J), Newton (C), Hall (A), Carter, Gullatt, Haynes, Harvey, Ford, Flowers, Petelos, McDowell, Holley, Layson, Hill, Hilliard, Biddle, Warren

AN ACT

To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities, to provide for and increase in bed number by a skilled nursing facility or intermediate care facility licensed by the State Board of Health and meeting specified criteria.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-265 of the Code of Alabama 1975, is amended to read as follows:

“§22-21-265.

“(a) On or after July 30, 1979, no person to which this article applies shall acquire, construct, or operate a new institutional health service, as defined in this article, or furnish or offer, or purport to furnish a new institutional health service, as defined in this article, or make an arrangement or commitment for financing the offering of a new institutional health service, unless the person shall first obtain from the SHPDA a certificate of need therefor. Notwithstanding any provisions of this article to the contrary, those facilities and distinct units operated by the department of mental health and mental retardation, and those facilities and distinct units operating under contract or subcontract with the department of mental health and mental retardation where the contract constitutes the primary source of income to the facility, shall not be required to obtain a certificate of need under this article.

“(b) Notwithstanding all other provisions of this article to the contrary, the replacement of equipment by health care facilities shall be exempt from certificate of need review, provided:

“(1) The replacement does not change the purpose, use, or application of the equipment.

“(2) The existing equipment is taken out of service.

“(3) The replacement equipment does not enable the health care facility to expand its health services.

“(4) The replacement equipment does not enable the health care facility to provide any health services not previously provided on a regular basis.

“A determination of whether the acquisition of equipment is exempt from review under this section shall be made by the executive director of the SHPDA upon the filing of an application requesting the determination, on the form or forms prescribed by the CON review board, together with a fee in the amount of 10 percent of the fee provided in section 22-21-271. If it is determined that the replacement is not reviewable pursuant to this section, the applicant shall be notified in writing that no certificate of need is required. The SHPDA shall define an appeals process.

“Any provision in this article to the contrary notwithstanding, no rural hospital shall be required to submit an application fee when filing a request for determination under this section.

“(c) The SHPDA shall, by December 31, 1990, conduct a survey to inventory the number of inpatient rehabilitation beds, inpatient psychiatric beds, and inpatient/residential alcohol and drug abuse beds in the state, as of April 18, 1990. Prior to the survey, the SHPDA shall inform all providers of its intention to inventory the beds. Only those beds in which the SHPDA has determined that the aforementioned specialized services have been offered on a regular basis during the 12 months prior to April 18, 1990, and which are located in either a freestanding health care facility which provides the service exclusively, or in a distinct unit within a health care facility, shall be included in the inpatient psychiatric, inpatient rehabilitation, and inpatient/residential alcohol and drug abuse inventories. No other beds shall be so included until the SHPDA officially updates each inventory.

“In determining whether services have been ‘offered on a regular basis’ in a distinct unit within a health care facility, the SHPDA shall consider all of the following:

“(1) Evidence of actual utilization of the specialized unit during the 12 months prior to April 18, 1990.

“(2) Evidence that the specialized unit has been allocated specific and unique space within the facility.

“(3) Evidence that specialized staff or other resources have been allocated to the unit.

“(d) The SHPDA shall, by April 1, 1991, amend the Alabama state health plan to include separate bed need methodologies for

inpatient psychiatric services, inpatient rehabilitation services, and inpatient/residential alcohol and drug abuse services, based upon the inventories set forth in subsection (c) above. The SHPDA shall utilize these methodologies in considering all certificate of need applications filed following this date.

“(e) Notwithstanding all other provisions of this article to the contrary, the increase in the number of nursing home beds of a health care facility licensed pursuant to Section 22-21-260(5) as a skilled nursing care facility or an intermediate care facility, but excluding an increase in the bed capacity of an intermediate care facility designated as an ICF-MR by the State Board of Health and operated by the State Department of Mental Health and Mental Retardation which facilities shall be governed by the other provisions of this article, shall be exempt from certificate of need review, provided:

“(1) The increase does not exceed 10 percent of the total skilled nursing beds of the facility, rounded to the nearest whole number, or 10 beds, whichever is greater.

“(2) The average rate of occupancy of the facility’s nursing home beds of the facility is not less than 95 percent for the 24-month period ending on June 30 of the year immediately preceding the application for exemption from the certificate of need review.

“(3) The aggregate average rate of occupancy for all other skilled nursing facilities and intermediate nursing facilities in the same county as the requesting facility’s is not less than 95 percent for the 24-month period ending on June 30 of the year immediately preceding the application for exemption from certificate of need review.

“(4) The increase does not require capital expenditures exceeding the capital expenditure thresholds prescribed in Section 22-21-263(a)(2).

“(5) The facility has not been granted an increase of beds under this exemption within the immediately preceding 24-month period.

“In calculating the average occupancy for the facility under subdivision (2) of this subsection and for all other skilled and intermediate nursing facilities in the same county under subdivision (3) of this subsection, beds previously granted to the facility, and to other skilled or intermediate nursing facilities in the same county as the requesting facility, pursuant to a certificate of need or to this exemption shall be deemed built and available for occupancy as of the date granted regardless of when the beds were placed in service. SHPDA shall promulgate regulations to determine how occupancy shall be

calculated for the purpose of this subsection, taking into account certain factors such as, but without limitation, disregarding beds that have not been available for use for the three (3) years next preceding the period for which occupancy is being measured.

“(6) Any exemption to add beds without a certificate of need shall expire and be deemed null and void unless the beds are placed in service not less than 12 months after the date the exemption is granted. Notwithstanding the foregoing, SHPDA may promulgate rules permitting the executive director of SHPDA to grant one extension not to exceed twelve months upon a showing of substantial progress.

“Determination of whether the increase in beds is exempt from review under this section shall be made by the Executive Director of SHPDA upon the filing of an application requesting the determination, on the form or forms prescribed by the CON review board, together with a fee in an amount to be determined by the review board in accordance with section 22-21-271(a). The SHPDA shall promulgate rules affording an applicant pursuant to this subsection a right to appeal adverse rulings.

“Applications pursuant to this section for exemption from certificate of need review for an increase in bed capacity shall be made only during the 90-day period beginning January 1 through March 31 of each year.”

The provisions of this act shall automatically terminate and become null and void on December 21, 2000, unless a bill to continue or reestablish the provisions of this act shall be passed by both houses of the legislature and enacted into law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 17, 1994

Time: 4:18 P.M.

Act No. 94-210

S.J.R. 73 – Senator Parsons

SENATE JOINT RESOLUTION

COMMENDING WILLIAM PAYNE OF MONTGOMERY, ALABAMA, “THE SHOESHINE MAN.”

WHEREAS, the Legislature of Alabama takes great pride in commending the incomparable William Payne of Montgomery, Alabama, known to us all as “The Shoeshine Man”; and

WHEREAS, Mr. Payne has been actively engaged in this professional practice for the past 40 years, starting during the Second World War in the Trailways Bus Terminal in Montgomery, Alabama; and

WHEREAS, during this time, William Payne has shined the shoes of governors, senators, representatives and other dignitaries and luminaries who have had occasion to pass through the Madison Hotel, the State House, the Arrowhead Country Club, or the Holiday Inn where he spends substantial time with the Road Builders contractors; and

WHEREAS, in addition to Mr. Payne's ongoing contributions to, and servicing of, his clientele's shoe care needs, he also raised a family of five children after losing his wife, Juanita, in 1968; his oldest son, Raymond, worked briefly with him at the Madison Hotel; daughters, Theresa, Belinda, and Margie have developed careers in Montgomery, as has his younger son, Robert Earl; and

WHEREAS, his respected and admired diligence has been rewarded with numerous trips out of state at the specific request of his patrons; he was once dispatched by Justin Boot Company to Denver, Colorado; the Bostonian Shoe Company sent him to Miami; and he traveled to Memphis, Tennessee, where he shined shoes for Dolly Parton and other entertainment personalities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend William Payne on his outstanding accomplishments in life and direct that a copy of this resolution be presented to Mr. Payne to be hung over his shoe shine stand on the sixth floor of the State House as an enduring testament of our respect and admiration for his many years of continuous service.

Approved March 17, 1994

Time: 4:19 P.M.

Act No. 94-211

H. 293 – Rep. Newton (C)

AN ACT

To amend the relevant provisions of the statutes dealing with the Alabama Liquefied Petroleum Gas Board and update the statutory authorization.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-17-100, Code of Alabama 1975, is amended to read as follows:

“§9-17-100.

“As used in this article, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) **AUTHORITY HAVING JURISDICTION.** Alabama Liquefied Petroleum Gas Board.

“(2) **BOARD.** The Alabama Liquefied Petroleum Gas Board.

“(3) **BRANCH.** A local unit of an LP-gas business that is one or more of the following: a division or subdivision or a person doing business under a name other than the Class A permit holder's name; a place where the day-to-day retail operations of an LP-gas business are conducted and at which at least three of the following activities occur or conditions exist: sales of appliances, orders are taken for LP-gas repair and service; orders are taken to refill LP-gas systems either by phone or in person; employees are present during a normal workday; or a place that requires a city or county license to conduct business.

“(4) **LP.** Liquefied petroleum gas.

“(5) **LPG.** Liquefied petroleum gas.

“(6) **LP-GAS.** Liquefied petroleum gas.

“(7) **LIQUEFIED PETROLEUM GAS.** Any material having vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: propane, propylene, butanes (normal butane or isobutane), and butylenes.

“(8) **LIQUEFIED PETROLEUM GAS RECOVERY FUND:** A cash surety fund designated to ensure compliance of LP-Gas laws, rules, and regulations adopted by the LP-Gas Board.

“(9) **LIQUEFIED PETROLEUM GAS RESEARCH AND EDUCATION FUND.** A fund created to finance activities relating to research, development, and the implementation of marketing, advertising, and informational programs relating to LP-gas directed toward the consumer as well as for the education of industrial members and employees.

“(10) **LIQUEFIED PETROLEUM GAS SYSTEM.** Any assembly consisting of one or more containers with a means for conveying LP-gas from the container(s) to dispensing or consuming devices (either continuously or intermittently) and which incorporates components intended to achieve control of quality, flow, pressure, or state (either liquid or vapor).

“(11) **PERSON.** Every natural person, firm, copartnership, association, or corporation.

"(12) RED TAG. A red card or device containing an official printed notice of the condemnation of a liquefied petroleum gas system or any connected or disconnected LP-gas component, LP-gas storage container, LP-gas container appurtenance, or LP-gas motor vehicle, transport, or delivery unit placed as a result of a violation of the liquefied petroleum gas safety code provisions and regulations, or as a result of a mechanical defect found on the LP-gas motor vehicle, transport, or delivery unit that could cause a danger to the public if allowed to continue to operate. When attached to a system or to any connected or disconnected LP-gas component, LP-gas storage container, LP-gas appurtenances, motor vehicle, transport, or delivery unit a red tag is official notice of condemnation and of the prohibition of further use, so long as the red tag remains affixed by law."

Section 2. Section 9-17-105, Code of Alabama 1975, is amended to read as follows:

"§9-17-105.

"(a) The board may issue permits to any person to engage in or continue the business of selling, distributing, storing, or transporting liquefied petroleum gases and to engage in or continue the business of selling, installing, servicing, repairing, removing, or adjusting liquefied petroleum gas containers, tanks, or systems or to perform magnetic, hydrostatic, visual, or X-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers, and cylinders in the State of Alabama; and to prescribe the requirements of any person to obtain the permits. The board may revoke any permit issued, for cause, in the opinion of the board.

"(b) The permits shall be of nine types:

"(1) PERMIT A. Shall give the holder a right to engage in or continue the business of selling, distributing, storing, or transporting liquefied petroleum gases and to engage in or continue the business of selling, installing, servicing, repairing, or adjusting liquefied petroleum gas containers, tanks, or systems at retail or installing, repairing, servicing, removing, or adjusting liquefied petroleum carburetion equipment, or to perform magnetic, hydrostatic, visual, or x-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers, and cylinders. Before any person engages in or continues the business of selling, distributing, storing, or transporting liquefied petroleum gases, except where the liquefied petroleum gas so handled is in quantities of less than one gallon U.S. water capacity and is an integral part of a device for its utilization, or before any person engages in the business of selling, installing, servicing, removing, repairing,

or adjusting liquefied petroleum gas containers, tanks, or systems at retail or installing, repairing, servicing, removing, or adjusting liquefied petroleum carburetion equipment, or to perform magnetic, hydrostatic, visual, or x-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers, and cylinders in the State of Alabama, the person shall first obtain from the board a Permit A and shall execute and file with the board the insurance and a surety in cash as herein required.

"The board shall require every applicant for Permit A to present evidence to the board that the applicant has a bona fide contract or a letter of intent to sell, from a reputable supplier of liquefied petroleum gas for an amount of the gases sufficient to supply the customers the applicant has estimated that will be served. In addition to the requirement of possessing a Class A permit, persons doing business as or in a name other than the name listed on the Class A permit shall be required to have a separate Class B-1 permit unless the person doing business as or in another name has a separate Class A permit for each business.

"(2) PERMIT B. Shall give the holder a right to engage in or continue the business of transporting, storing, distributing and/or selling liquefied petroleum gas at wholesale or in unit quantities of 5,000 gallons or more at retail to end users or act as wholesale distributors, suppliers, or agents thereof or act as a consignor or shipper that delivers or causes LP-gas to be delivered in the State of Alabama. Before any person engages in or continues the business of transporting, storing, distributing, and/or selling liquefied petroleum gas at wholesale in any quantity to retailers or retail to end users in unit quantities of 5,000 gallons or more or to other wholesaler distributors, suppliers, or agents thereof in the state of Alabama and not being a holder of a Permit A, the person shall first obtain from the board a Permit B and shall execute and file the insurance and surety in cash as required herein, except that those wholesale distributors, suppliers, consignors, shippers, or agents thereof who only sell liquefied petroleum gas at wholesale and transport no gas in the state shall not be required to file a motor vehicle or general liability certificate of insurance with the board. Class B permit holders shall keep records and shall report monthly, and at all other times as the board shall deem necessary, all sales of liquefied petroleum gas made to retailers, end users, and to other wholesale distributors, suppliers, or agents in this state. Failure to make timely reports and pay required fees shall cause interest and penalties to be assessed as described in Section 9-17-109. Any person possessing a valid Class A permit shall not be required to obtain a Class B permit.

"(3) PERMIT B-1. Shall give the holder a right to operate an individual branch, division, or subdivision or to act as an agent of

a Class A permit holder to engage in or continue the business of selling, storing, or transporting liquefied petroleum gases at retail and to engage in or continue the business of selling, installing, servicing, repairing, removing, or adjusting liquefied petroleum gas containers, tanks, or systems at retail or to install, repair, remove, service, or adjust liquefied petroleum carburetion equipment, or to perform magnetic, hydrostatic, visual, or x-ray inspections of liquefied or petroleum gas storage containers and cylinders. Authorized agents of Class B-1 permit holders who only operate off-premises cylinder filling stations shall not be required to obtain a Class B-1 permit.

"The board or the board administrator may authorize any person to act as an agent of a Class A or B-1 permit holder to install, service, repair, adjust, or inspect liquefied petroleum gas containers, tanks, and systems without obtaining a Class B-1 permit; provided that the authorized agents have completed the board's certification requirements and the permit holder has provided the board with proof that the agents have met the insurance and surety, in cash, consistent with the requirements of this section. The authorized agents shall not be required to meet the storage requirements of Section 9-17-107.

"Before any person engages in or continues in the operation of an individual branch, division, or subdivision or acts as an agent of a valid Class A permit holder to sell, store, or transport liquefied petroleum gas and to sell, install, service, repair, or adjust liquefied petroleum gas containers, tanks and systems at retail, or to install, repair, service, remove, or adjust liquefied petroleum carburetion equipment, or to perform magnetic, hydrostatic, visual, or x-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers and cylinders, the person shall first obtain from the board a Permit B-1, meet the minimum storage requirements set out in Section 9-17-107, and shall execute and file with the board the insurance and surety in cash as herein required. Branches that were in operation when this article became law shall not be required to meet the storage requirement of Section 9-17-107. A Class B-1 permit holder shall not be required to file or maintain separate or additional insurance or surety in cash as specified by this section provided that the Class B-1 permit holder is included in the parent company's Class A permit insurance and surety in cash on file with the board.

"(4) PERMIT C. Shall give the holder a right to engage in or continue the business of installing, servicing, repairing, removing, or adjusting liquefied petroleum gas piping and installing, servicing, repairing, removing, or adjusting liquefied petroleum gas appliances on the down stream side of the tank outlet valves only.

Before any person engages in or continues the business of installing, servicing, repairing, removing, or adjusting liquefied petroleum gas piping, and installing, servicing, repairing, removing, or adjusting liquefied petroleum gas appliances on the down stream side of the tank outlet valves only, and not being a holder of a Permit A and B-1, the person shall first obtain from the board a Permit C and execute and file with the board the insurance and a surety in cash as herein required. A separate permit shall be required for each business location.

"(5) Permit C-1. Shall give the holder a right to engage in or continue the business of installing, servicing, repairing, removing, or adjusting any liquefied petroleum gas motor fuel carburetion equipment, the repair of appurtenances on motor fuel containers, cylinders, or carburetion components. Before any person engages in or continues the business of installing, servicing, repairing, removing, or adjusting liquefied petroleum gas motor fuel carburetion equipment, the repair of appurtenances on motor fuel containers, cylinders, or carburetion components in the State of Alabama, the person shall execute with the board the insurance and surety in cash herein required. A or B-1 permit holders shall not be required to obtain a Permit C-1. A separate permit shall be required for each business location.

"(6) Permit C-2. Shall give the holder a right to engage in or continue the business of performing magnetic, hydrostatic, visual or x-ray inspections of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers and cylinders. Before any person engages in or continues the business of performing magnetic, hydrostatic, visual, or x-ray inspection of liquefied petroleum gas storage containers, cargo tanks, motor fuel containers, and cylinders in the State of Alabama and not being a holder of a Permit A or B-1 the person shall obtain a Class C-2 Permit and execute with the board the insurance and surety in cash herein required. A separate permit shall be required for each business location.

"(7) PERMIT D. Shall give the holder a right to engage in or continue the business of installing and/or repairing, or removal, of bulk storage systems of 5,000 gallons water capacity or more in single containers or in an aggregate of 5,000 gallons water capacity of a multi-container installation only. Before any person engages in or continues the business of installing bulk storage systems of 5,000 gallons water capacity or more in single containers or in a multi-container installation of an aggregate of 5,000 gallons water capacity, in the state of Alabama and not being a holder of a Permit A, the person shall first obtain from the board a Permit D and shall execute and file with the board the insurance and surety in cash as herein required.

"The board shall require holders of a Permit D to submit plans for any proposed installation of any liquefied petroleum gas storage facility they are planning to install that is authorized under the terms of their permit. They shall obtain approval for the location and for the plans from the administrator of the board before construction is begun. All facilities shall be constructed according to rules and regulations of the board and the completed unit shall have board approval before being used. A minimum fee of two hundred dollars (\$200) shall be paid to the board at the time the plans for each facility are presented for approval. This fee of two hundred dollars (\$200) will cover examination of the plans and one site inspection. An additional fee of fifty dollars (\$50) for each inspection trip to the site that is required shall be paid to the board before final approval is given for the facility to be used. These fees may be changed by action of the board.

"(8) PERMIT E. Shall give the holder a right to engage in or continue the business of calibration and/or repair of liquefied petroleum gas liquid meters.

"Before any person engages in or continues the business of calibration and/or repair of liquefied petroleum gas liquid meters, in the State of Alabama and not being a holder of a Permit A, that person shall first obtain from the board a Permit E and shall execute and file with the board the insurance and surety in cash as herein required.

"(9) PERMIT F. Shall give the holder the right to engage in or continue the business of filling cylinders and/or motor fuel containers of less than 351 pounds water capacity from a stationary filling station. Before any person engages in or continues the business of filling cylinders and/or motor fuel containers and not being a holder or an agent of a Permit A or Permit B-1, they shall first obtain from the board a Permit F and shall execute and file with the board the insurance and surety in cash as herein required. A separate permit, surety in cash and insurance certificate shall be required for each filling station.

"(10) The administrator may issue temporary Class B, B-1, C, C-1, C-2, D, E and F Permits as soon as all requirements have been met. The temporary permit shall remain in effect until the next regular board meeting, unless the board extends the effective date of any such temporary permit by official action.

"(c) The board shall establish and maintain a LP-Gas recovery fund conditioned on full compliance with this article and the rules and regulations of the board. When the administrator has determined that there are claims against the LP-Gas recovery fund, there shall be a third party hearing by an administrative law

judge from the office of the Attorney General to adjudicate the matter. When the appeal time has lapsed after an administrative hearing where the cash surety is determined to be in default, the administrator shall initiate action to recover the five thousand dollars (\$5,000) cash surety from the person found to be in violation of this article and transfer the cash surety into the LP-Gas research and education fund. After the conclusion of the appeal time, payment shall be received in the board office within 10 days. Interest on the payment shall begin to accrue on the eleventh day at the rate of one percent per month or any fraction thereof provided that the board, for good cause shown, may waive the interest or any fraction thereof. Failure to remit payment and interest within 30 days after the expiration of the time to appeal, may result in the suspension or revocation of the person's permit and cause the administrator to transfer five thousand dollars (\$5,000) out of the LP-Gas recovery fund into the LP-Gas research and education fund.

"(1) Initial payment to the LP-Gas recovery fund by all permit holders, except those not required to file a cash surety shall be one hundred dollars (\$100) payable as prescribed by this article. Class C, C-1, and C-2 permit holders shall only be required to file a surety in cash for the company's initial permit. Thereafter, payment made to the LP-Gas recovery fund by a permit holder shall be made upon application to the board for the initial permit. Payment shall be one hundred dollars (\$100) and shall be refundable only if the application is denied or cancelled by the board.

"(2) When the balance in the LP-Gas recovery fund is less than twenty-five thousand dollars (\$25,000), each permit holder shall, on order of the board, make a non-refundable payment to the LP-Gas recovery fund. ~~The payment will be determined by the board to return the LP-Gas recovery fund balance to forty thousand dollars (\$40,000).~~ Notwithstanding the foregoing, the payment shall not exceed one hundred dollars (\$100) and shall not be levied more than once in any fiscal year.

"(3) If the balance in the LP-Gas recovery fund exceeds fifty thousand dollars (\$50,000) at the end of any fiscal year, the administrator shall transfer the amount in excess of fifty thousand dollars (\$50,000) to the LP-Gas research and education fund.

"(4) If the balance in the LP-Gas recovery fund is insufficient to satisfy a duly authorized claim or portion of a claim, the board shall, when sufficient money has been deposited into the LP-Gas recovery fund, satisfy the unpaid claims or portions thereof.

"(5) The sums received by the board pursuant to the provisions of this section shall be deposited into the State Treasury and

held in a special fund to be known as the 'Liquefied Petroleum Gas Recovery Fund', and shall be held by the board in trust for carrying out the purposes of the LP-Gas recovery fund. These funds may be invested by the State Treasurer in any investments which are legal under the laws of this state. From time to time, the administrator of the board may cause the withdrawal of cash to be made from the LP-Gas recovery fund to carry out the purposes of the LP-Gas recovery fund. Any interest or other income from investments of the LP-Gas recovery fund shall be credited to the LP-Gas recovery fund.

"(d) An applicant for any of the nine permits shall also file with the board evidence that he or she has in force the listed insurance coverage written on standard contract forms by an insurance company or companies qualified to do business in the State of Alabama based upon those activities listed below in which he or she is engaged. Proof of insurance shall only be accepted on a form provided by the board. Proof of liability insurance for all LP-Gas Cargo Vehicles shall be filed on a MCS.90 form or on a form acceptable to the board.

"For Class A, B and B-1 Permits; E Permits for performing calibration, and inspections of L.P. Gas Meters on site:

Insurance	Each Occurrence	Each Person
Comprehensive Automobile Liability Covering:		
(Bodily injury liability)	\$100,000	\$50,000
(Property damage liability)	100,000	
Comprehensive General Liability Covering:		
(Bodily injury liability)		
(Manufacturers and contractors liability)	100,000	
(Owners and Contractors protection liability)		
(Completed operations and products liability)		

"For Class A, B, and B-1 Permit Cargo Vehicles as follows:

To 3499 water gallon capacity	\$1 million
From 3500 water gallon capacity	\$5 million

"For Class C, C-1, C-2, D and F Permits; and E Permits only for performing in-shop repairs to LP-Gas meters:

Comprehensive General Liability Covering:	Each Occurrence
(Bodily injury liability)	\$100,000
(Manufacturers and contractors liability)	
(Owners and contractors protection liability)	\$100,000
(Completed operations and products liability)	

“For Permit C-1 LP-Gas Motor Fuel Carburetion only:

	Each Occurrence	Each Person	Each Vehicle
Garage Liability, one Direct/Primary to include:	\$100,000	\$50,000	\$50,000
Comprehensive General Liability (Bodily injury liability)			
(Manufacturers and contractors liability)			
(Owners and contractors protection liability)			
(Completed operations and products liability)			

Garage Liability, one

~~Direct/Primary~~ to include:

Garage Keepers Legal Liability	\$50,000
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“(e) In lieu of filing with the board evidence that the insurance coverage, as outlined above, is in force, the holder of or applicant for a permit described herein may file with the board a good and sufficient surety bond executed by an insurance company qualified to do business in this state, in an amount sufficient to satisfy the requirements of Section D of this article. The bond shall be payable to the State of Alabama and shall be conditioned to guarantee the payment of all damages which proximately result from any act of negligence on the part of any person or his or her agents, servants, or employees while engaging in any of the activities specified in this section. In lieu of the surety bond, any person may execute and file a good and sufficient personal bond, in the amount and conditioned as above specified, which personal bond

shall be secured by bonds or other obligations of the State of Alabama or the United States government of equal value. Evidence of required insurance issued by an insurance company shall be filed on a form provided by the board. When a surety bond, personal bond, or other obligations of equal value is used in lieu of evidence of the required insurance coverage, the surety bond, personal bond, or other obligation of equal value shall remain on deposit in the state treasury in the liquefied petroleum gas board personal bond fund until at least 365 days has lapsed and there are no claims against the bonds or obligations of equal value. The administrator may issue a refund of the bonds or obligations of equal value from the bond fund after proper application has been submitted. When the administrator has notice of a claim filed against the monies or other obligations of equal value held in lieu of an insurance contract, the administrator shall deliver to the court, interplead and deposit with the court the amount of money or obligations held, the administrator and the liquefied petroleum gas board shall be discharged from liability as to any claim, and the action shall continue as between the claimants of the monies or properties. If the matter is adjudicated before 365 days has lapsed, the court shall return any balance of any money or obligation to the Liquefied Petroleum Gas Board personal bond fund.

“(f) Any state, county, or any incorporated municipality or agency, or instrumentality thereof and any industrial user who makes application and possesses a Class C permit shall not be required to file with the board a surety in cash, provided that all of the servicing, repairing, adjusting, removing, and installing of LP-gas equipment, appliances, and systems is only being accomplished on their own LP-gas equipment, appliances and systems.

“(g) There is hereby created in the state treasury a fund to be designated as the “Liquefied Petroleum Gas Board personal bond fund” into which cash bonds or other obligations shall be deposited and from which the bonds shall be removed or refunded by the administrator at the appropriate time. The monies or other obligations in the bond fund shall not revert to the general fund at the end of each state fiscal year, but shall be carried over into each subsequent state fiscal year and disbursed as provided in this section.

“(h) Whenever a Class A, B or B-1 permit holder’s company name has changed, all vehicles and equipment assigned to the company shall be relettered with the new company name as follows: by the annual renewal of the company permit or within 180 days of the name change, whichever is greater, provided, for good cause shown the board may extend the date by official action. Unmarked LP-gas delivery cargo vehicles or equipment placed in operation shall be lettered and placarded as required by the applicable section of the Code of Federal Regulations, Title 49, within 90 days of the date the

vehicle was first placed into operation within this state. Vehicles and equipment not lettered with the company name within the described period shall be removed from service until the proper company name is affixed to the vehicle or equipment by the owner.

“(i) Counties, municipalities, or other local entities are prohibited from requiring any further local testing or other requirements of LP-gas servicemen, certified by the LP-gas board, subject to the payment of any applicable local privilege, license, or business fees or charges.”

“§9-17-106.

“(a) Fees for Permit A and Permit B. — Every applicant for Permit A or a Permit B, at the time of issuance, shall pay to the board a fee of three hundred dollars (\$300) and annually thereafter pay to the board a fee of two hundred dollars (\$200). Permits and fees shall be due on October 1 and delinquent after October 31 of each year.

“Every person required to renew permits and pay fees who fails to do so by the delinquent date shall incur a penalty of ten dollars (\$10) for each day he or she is delinquent in complying with the provisions of this section, and the penalty shall be paid to the board before the issuance of the permit. Delinquency shall be determined by the United States Postal Service postmark when the date on the postmark falls on a later date than the delinquent date.

“(b) Fees for Permit B-1. — Every applicant at the time of issuance, shall pay to the board a fee of one hundred dollars (\$100) and annually thereafter pay to the board a fee of one hundred dollars (\$100). The permits and fees shall be due on October 1 and delinquent after October 31 of each year.

“Every person who is required to renew permits and who fails to pay the fees by the delinquent date, shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for the delinquency and makes payment of the regular fee of one hundred dollars (\$100) plus a penalty of fifty dollars (\$50). The fees and penalties shall be paid to the board before the permit shall be reissued. Delinquency shall be determined by the United States Postal Service postmark when the date on the postmark falls on a later date than the delinquent date. After a permit has been cancelled for six months, the permit shall be applied for in the manner previously set by the board.

“(c) Fees for Permit C. — Every applicant for a Permit C shall at the time of issuance of the permit by the board and annually thereafter pay to the board a permit fee of fifty dollars (\$50). The permit and fees shall be due January 1 and delinquent after January 31 of each year.

“Every person required to renew a permit and who fails to do so by the delinquent date shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and make payment of the regular fee of fifty dollars (\$50) and penalty of twenty-five dollars (\$25). After six months the person may reapply in the manner previously set by the board.

“(d) Fees for Permit C-1. — Every applicant for a Permit C-1 shall, at the time of issuance of the permit by the board, and each year subsequently, pay to the board a permit fee of fifty dollars (\$50). The permit and fees shall be due January 1 and delinquent after January 31 of each year.

“Every person required to renew a permit, and who fails to do so by the delinquent date, shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for the delinquency and make payment of the regular fifty dollar (\$50) fee and penalty of twenty-five dollars (\$25). After six months the person may reapply in the manner previously set by the board.

“(e) Fees for Permit C-2. — Every applicant for a Permit C-2 shall, at the time of issuance of the permit by the board, and each year subsequently, shall pay to the board a permit fee of one hundred dollars (\$100). The permit and fees shall be due January 1 and delinquent after January 31 of each year.

“Every person required to renew a permit, and who fails to do so by the delinquent date, shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for the delinquency and make payment of the regular fee of one hundred dollars (\$100) and a penalty of twenty-five dollars (\$25). After six months, the person may reapply in the manner previously set by the board.

“(f) Fees for Permit D. — Every applicant for a Permit D shall at the time of issuance of the permit by the board and annually thereafter pay to the board a permit fee of two hundred fifty dollars (\$250). The permit and fees shall be due January 1 and delinquent after January 31 of each year.

“Every person required to renew a permit and who fails to do so by the delinquent date shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and makes payment of the regular fee of two hundred fifty dollars (\$250) and a penalty of fifty dollars (\$50). After six months the person may reapply in the manner previously set by the board.

“(g) Fees for Permit E. — Every applicant for a Permit E shall at the time of issuance of the permit by the board and annually thereafter pay a permit fee of fifty dollars (\$50). The permit fees shall be due on January 1 and delinquent after January 31 of each year.

“Any person required to renew a permit and who fails to do so by the delinquent date shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and make a payment of the regular fee and a penalty of twenty-five dollars (\$25). After six months the person may reapply in the manner previously set by the board.

“(h) Fees for Permit F. — Every applicant for a Permit F shall at the time of issuance of the permit by the board and annually thereafter pay a permit fee of one hundred dollars (\$100). The permit fees shall be due January 1 and delinquent after January 31 of each year. Filling stations that are owned by Class A or Class B-1 Permit holders or operated by agents of Class A or Class B-1 Permit holders are exempt from obtaining a Class F Permit.

“Every person required to renew a permit and who fails to do so by the delinquent date shall have the permit automatically cancelled. The permit may be reinstated within six months if the holder can show reasonable cause for delinquency and make payment of the regular fee of one hundred dollars (\$100) and a penalty of fifty dollars (\$50). After six months the person may reapply in the manner previously set by the board. Class F Permit holders shall keep records, report monthly sales of out-of-state motor fuel, and remit required fees by the twentieth of the months following the sales. Failure to make timely reports and pay required fees shall require interest and penalties to be assessed as described in section 2-17-109.

“(i) In the event that an end user located within the state of Alabama purchases or obtains liquefied petroleum gas on which the permit fees required by this article have not been paid, the end user shall be required to report to the board the cost of any liquefied petroleum gas purchased during each period from October 1 to September 30 each year and shall pay to the board any fees that are due.

“All end users who purchase liquefied petroleum gas in unit quantities of 5,000 gallons or more are hereby required to furnish the board with written information concerning any purchases as may be requested by the board.

“(j) Any supplier who sells liquefied petroleum gas to any marketer or any end user in the state or who delivers or causes to be delivered liquefied petroleum gas to any point in the state, shall report to the board all sales by the twentieth of the month following

the month in which the sales are made. Each supplier shall add to each individual sales invoice an amount set by the board not to exceed two-fifths of one percent of the invoice cost of the total billing which shall include the cost of the product and freight to the point of delivery in the state to the marketer and shall remit to the board all money collected with the required monthly report.

"The board may, from year to year, lower or raise the percentage of invoice cost imposed by this article.

"At no time may the board raise the percentage of invoice cost imposed by this article above the rate of two-fifths of one percent.

"(k) Any permit holder who sells or otherwise exchanges liquefied petroleum gas in the state of Alabama not otherwise covered under this article shall report to the board the cost of the sales or exchanges by the twentieth of the month following the month such sales or exchanges were made. The permit holder shall submit to the board a percentage of the invoice cost as specified by the board not to exceed two-fifths of one percent of the cost of sale or value of exchange. The invoice cost shall include the cost of the product and freight to the point of delivery in the state to the marketer.

"If there has been no actual cash value placed on the liquefied petroleum gas by the owner of the product when it is either imported into or exported out of the state, the liquefied petroleum gas board shall determine the wholesale cash value of the liquefied petroleum gas for the purpose of assessing and collecting the fees imposed by this article. In determining the cash value of the LP-gas, the board shall use the average FOB wholesale market value price of the liquefied petroleum gas being delivered on the date of delivery at the pipeline loading terminal located in the state nearest to the delivery destination of the gas.

"(l) Where a Class A or B-1 permit holder buys liquefied petroleum gas in the state of Alabama and pays the required fees on the liquefied petroleum gas and the Class A or B-1 permit holder sells the gas to end users outside the state of Alabama, the board may issue a credit or refund of the amount of the fee upon proper application to the board; provided, that the liquefied petroleum gas delivered to the out-of-state end user shall be transferred from the permit holder's storage facilities located within the state of Alabama. The application shall be submitted to the board no later than 30 days following the end of each fiscal quarter. Failure to make a timely application shall result in forfeiture of the fee.

"(m) Class A, B, B-1, C, and D permit holders who are licensed by this board to install gas piping shall be exempt from the requirement of section 40-12-84 if they only install gas piping."

Section 3. The initial cash surety of one hundred dollars (\$100) shall be remitted into the LP-Gas recovery fund by Class A, B, and B-1 permit holders no later than October 31, 1994. Class C, C-1, C-2, D, E, and F permit holders shall remit payment to the LP-Gas recovery fund no later than January 31, 1995. If any permit holder's surety bond expires after the passage of this act the permit holder shall make the initial payment to the LP-Gas recovery fund and shall not be required to file a surety bond with the Board.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1994

Time: 3:45 P.M.

Act No. 94-212

H. 28 – Rep. Curry

AN ACT

To exempt Magic Moments, Inc., from the payment of all state, county, and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Magic Moments, Inc., is exempted from paying any state, county, and municipal sales or use taxes.

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1994

Time: 3:46 P.M.

Act No. 94-213

H. 516 – Rep. Haynes

AN ACT

To authorize a parent, guardian and/or the Department of Human Resources to bring a civil action to establish an order of retroactive support for a minor child or children for any period in which the other parent had an obligation to provide said support and failed to do so.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created a civil action to establish an order of retroactive support which may be brought against a

non-supporting parent who has a duty to support as the legal parent of a child or children but has failed to provide support. The action may be brought by the parent or guardian with physical or legal custody who is providing the actual care and support for the child or may be brought by the Department of Human Resources pursuant to the provisions of Section 38-10-1 et seq. An action under this section can be brought only if support has not previously been ordered pursuant to a divorce or other action in this or any other jurisdiction.

Section 2. The action shall be commenced prior to the time the child or children reaches the age of majority.

Section 3. An action for retroactive support shall be filed in the juvenile or family court division of the district or circuit court in the county in which the parent or guardian resides or in the county in which the child resides. There shall be no right to a jury trial.

Section 4. An order of retroactive support may be awarded against the non-supporting parent irrespective of the marital status of the parties.

Section 5. The order of retroactive support shall be a sum certain judgment and may cover all periods in which the non-supporting parent failed to provide support. For all time periods in which support is requested, the court shall consider the needs of the child or children and the ability of the parents to respond to these needs, and shall determine the amount of support due for each period by application of the child support guidelines found in Rule 32 of the Alabama Rules of Judicial Administration based upon the circumstances during the time period for which support is sought. If the judgment for retroactive support includes support due for a period of time in which aid was paid by the Department of Human Resources and an assignment of support rights thereby exists under Section 38-10-4 and Section 38-10-5 of the Code of Alabama, the Department shall be entitled to recover any support due the Department under Section 38-10-6.

Section 6. The action for retroactive support authorized by this act is in addition to any rights to retroactive support granted by any other provision of law including but not limited to Section 26-17-8 of the Code of Alabama nor shall the provisions of the act limit or affect the state's right to recover assistance paid as provided in Section 38-10-6.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved March 18, 1994

Time: 3:48 P.M.

Act No. 94-214

H.J.R. 212 – Reps. Turner, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, **Starkey, Thomas, Turnham**, Venable, Walker, Warren, White, Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING TOM DRAKE OF VINEMONT, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in consensus of great personal pride in a colleague's accomplishment, we most heartily congratulate our friend, Tom Drake of Vinemont, on his induction into the 1994 Chattanooga Area Old Timers Sports Hall of Fame; and

WHEREAS, Representative Tom Drake, who received a B.S. degree from the University of Tennessee at Chattanooga, also earned a Master's degree and the degree of Doctor of Jurisprudence

from the University of Alabama, where he worked his way through school as Head Wrestling Coach and Assistant Football Coach for Coach Bear Bryant; and

WHEREAS, Tom Drake also wrestled professionally in the Mobile and Gulf Coast areas, among other locales, where he was widely recognized within the wrestling community and by countless fans as an outstanding wrestler and a formidable opponent; and

WHEREAS, Tom Drake, as a 1994 inductee, was one of only two wrestlers to be so highly honored by the Chattanooga Area Old Timers Association, and the first wrestlers ever to be inducted in the Association's Sports Hall of Fame during its 20-year history; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as a 1994 inductee into the Chattanooga Area Old Timers Sports Hall of Fame, we hereby most heartily congratulate and commend Tom Drake of Vinemont, Alabama, to whom a copy of this resolution shall be presented with warmest personal regard.

Approved March 18, 1994

Time: 3:49 P.M.

Act No. 94-215

H. 549 – Rep. Cullins

AN ACT

Relating to Tallapoosa County; authorizing the additional fee on civil and criminal cases in the county with the proceeds to be used for the operation and maintenance of the county jail; and providing for the levy of the fee, effective July 1, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all court costs and fees now or hereafter authorized, and notwithstanding any other provision of the Constitution of Alabama of 1901, including without limitations Section 96, 104, and 105 of the Constitution of Alabama of 1901, as amended, there shall be a fifteen dollar (\$15) fee assessed on all civil and criminal cases filed in the circuit court or district court in Tallapoosa County. All funds generated from the fee shall be paid into the general fund of Tallapoosa County and shall be used exclusively for the operation and maintenance of the county jail.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective upon the adoption and ratification of an amendment to the Constitution of Alabama of 1901 authorizing Tallapoosa County Commission to alter the costs and charges of court in Tallapoosa County.

Approved March 18, 1994

Time: 3:50 P.M.

Act No. 94-216

H. 40 – Rep. Turner

AN ACT

Relating to Mobile County; authorizing the Mobile County Commission to further regulate and license the operation of junkyards and prohibit certain accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated territory of the county; to provide that certain acts constitute a public nuisance and are unlawful; to provide certain exceptions; to provide civil remedies including actions to enjoin and abate conduct constituting a public nuisance; to provide that the county commission may regulate and establish requirements for issuing licenses to operate junkyards or store junk; and to provide for the annual license fee for the privilege of operating a junkyard in the unincorporated area of the county under certain conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. The regulation of the accumulation and storage of junk, inoperable motor vehicles, and other litter within the unincorporated areas of Mobile County, and licensing the operation of junkyards within the unincorporated areas of Mobile County is ~~hereby~~ declared to be in the public interest and necessary to promote the public safety, ~~health~~, welfare, convenience, enjoyment of public travel, to protect the public investment in public highways, to preserve and enhance the scenic beauty of lands and the environment, and to promote the conservation of natural mineral resources by encouraging recycling. The Legislature finds and declares that within the unincorporated areas of Mobile County the accumulation and storage of junk, inoperable motor vehicles, and other litter, and the operation of junkyards, any of which do not conform to the requirements of this act, are a public nuisance.

Section 2. (a) It shall be unlawful and constitute a public nuisance for the owner or other person in charge or control of a building, lot, junkyard, or other premises, within the unincorporated territory of Mobile County to fail to keep the lot, junkyard, or premises clean and free from garbage, refuse, litter, junk, debris, salvaged materials, household furniture, trash, used motor vehicle tires, inoperable motor vehicles, kitchen and other household

appliances, rags, paper, cardboard, and other nondecorative matter, including any materials within which water may accumulate or which may shelter or encourage the growth of insects or rodents, or materials which generate obnoxious odors, or which offend the esthetics of the community, and which thereby cause a substantial diminution in the value of other property nearby or which threaten the health and safety of any citizen.

(b) This act shall not apply to any company, corporation, or business currently operating, whose primary purpose or business is to burn or incinerate wood materials, salvage materials, building refuse, waste products, timber stumps, trees, or brush and other debris that results from clearing land, cutting timber, or refurbishing or constructing buildings. This act shall not apply to farm buildings or farm equipment and farm materials stored around farm buildings on a farm or to any company, corporation, or business which currently has a program for the accumulation, handling, or disposal of its own waste wood products, scrap metal, or other waste materials including the sale of the materials to scrap dealers or recyclers when the material is stored on-site for not more than 60 days.

Section 3. (a) Except as provided in subsection (b) of this section, it is unlawful and constitutes a public nuisance for any person to park, leave, or store upon any place or premises in public view within the unincorporated territory of Mobile County more than one motor vehicle which is not currently and validly registered and tagged as required by state law.

(b) Subsection (a) does not apply to a licensed business if the parking, leaving, or storing of the motor vehicle is reasonably necessary in the operation of the business, directly or indirectly.

Section 4. (a) No person shall establish, operate, or maintain a junkyard containing any items listed in Section 1 of this act, but not limited to those items, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any highway, without obtaining a county license to do so from the county commission through the county license commissioner or other like official. No license shall be granted except for those junkyards which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the highway. The operation of an unlicensed junkyard required to be licensed pursuant to this section constitutes a public nuisance.

(b) The county commission shall adopt regulations and requirements for issuing licenses for the operation of junkyards within the limits defined in this act, and may revoke the licenses at any time a junkyard fails to conform to the requirements of this

act, and shall charge a license fee of not more than one thousand dollars (\$1,000) nor less than five hundred dollars (\$500) payable each fiscal year. This license fee shall be in addition to the license fee required under Section 23-1-244, Code of Alabama 1975. All licenses issued under this act shall expire on September 30 following the date of issue. Licenses may be renewed from year to year upon payment of the fee. Proceeds from the fees shall be deposited in the general fund of the county.

Section 5. (a) This act shall be enforced by the Mobile County Commission.

(b) The Mobile County Commission may commence a civil action in the name of the Mobile County Commission in the Circuit Court of Mobile County, Alabama, to abate or enjoin any public nuisances declared by this act. In any action pursuant to this subsection, the Circuit Court of Mobile County, Alabama, is authorized to assess all costs of abating the public nuisance declared by this act, including attorney's fees, court costs, and all other expenses of litigation, against the person creating or maintaining the public nuisance.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1994

Time: 3:51 P.M.

Act No. 94-217

H. 506 – Rep. Turner

AN ACT

Relating to the municipality of Wilmer in Mobile County; to provide for a referendum election on the question of dissolution of the municipality of Wilmer and for the transfer of certain municipal services, including radio communication, should the voters elect to dissolve the municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative only in the municipality of Wilmer in Mobile County.

Section 2. The Town Clerk of the municipality of Wilmer shall schedule a referendum election within 30 days after the effective date of this act on the question of dissolution of the municipality. Notice of the election shall be published once a week for three consecutive weeks before the date of the election. The proposition to be voted on shall be stated substantially as follows: "Do you favor dissolution of the municipality of Wilmer? Yes ___ No ___?" If a majority of the votes are "yes," the municipality shall be dissolved and cease to exist. Any property owned by the municipality shall be disposed of pursuant to Section 11-41-27, Code of Alabama 1975. If a majority of the votes are "no," this act shall have no further force or effect.

Section 3. If the municipality is dissolved, the following services and administrative responsibility shall be transferred as follows:

(1) All radio communication shall be coordinated between Mobile County and the appropriate local volunteer fire and rescue department.

(2) All senior activities for independent living programs shall be coordinated between the Mobile County Commission and the area agency on aging.

(3) The water board of the municipality shall continue to exist as a separate entity to be governed by the present board for a period of four years and thereafter members of the board shall be appointed by the Mobile County Commission.

Section 4. This act shall become effective upon the enactment of an act amending Section 11-41-20, Code of Alabama 1975, to provide for exceptions by local law to the procedures for the dissolution of certain municipalities.

Approved March 18, 1994

Time: 3:52 P.M.

Act No. 94-218

H. 559 – Reps. Rockhold, Turner, Gaston,
Kvalheim

AN ACT

To exempt the Mission of Hope, Inc., a nonprofit corporation, located in Mobile, Alabama, from the payment of all county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mission of Hope, Inc., a nonprofit corporation, located in Mobile, Alabama, is exempted from paying any county and municipal sales or use taxes.

Section 2. This act shall become effective the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1994

Time: 3:53 P.M.

Act No. 94-219 S.J.R. 62 – Senators Langford, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

RECOGNIZING CENTRAL ALABAMA OPPORTUNITIES INDUSTRIALIZATION CENTER, INC. (OIC) OF MONTGOMERY, ALABAMA, ON ITS FIRST 25 YEARS OF SERVICE TO THE ALABAMA COMMUNITY.

WHEREAS, it is with great pleasure and highest commendation that the Legislature of Alabama notes the 25th Anniversary celebration of Central Alabama Opportunities Industrialization Center of Montgomery, Alabama, on March 12 and 13, 1994; and

WHEREAS, twenty-five years ago, in 1968, Consuello "Connie" Jenkins Harper, led by a dream and inspired by the Reverend Leon Howard Sullivan, founder and national chairman of OIC of America, Inc., began laying the foundation for what today is recognized as one of the most progressive, ultra-modern training facilities in the nation; and

WHEREAS, over the years, Central Alabama OIC has offered hope and opportunity to the disadvantaged of our state to become self-supporting and productive citizens; and

WHEREAS, Mrs. Harper, who serves as executive director of the center, and who has dedicated her life in this effort, has been highly recognized and honored on local, national, and international

levels, and her high ideals and examples of leadership, hard work, and faith in God serve as the cornerstone of the center's success; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate Central Alabama Opportunities Industrialization Center, and Connie Harper, on this 25th Anniversary observance, and direct that copies of this resolution be provided for Mrs. Harper for appropriate presentation on this momentous occasion.

Approved March 18, 1994

Time: 3:54 P.M.

Act No. 94-220

S.J.R. 35 – Senators Bailey, Horn, Dial,
Floyd, Smith (J), and
Campbell

SENATE JOINT RESOLUTION

EXPRESSING THE WILL OF THE LEGISLATURE
REGARDING THE MARKUP ON ALCOHOLIC BEVERAGES.

WHEREAS, there is a significant shortfall in revenues for the next fiscal year; and

WHEREAS, all existing opportunities to gain additional funds for the State General Fund should be utilized; and

WHEREAS, the Alcoholic Beverage Control Board is empowered to fix the wholesale and retail prices at which liquor will be sold at Alabama liquor stores; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the will of the Legislature of Alabama that the Alcoholic Beverage Control Board take appropriate action to increase the markup on alcoholic beverages sold by the state from 30 percent to 40 percent.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Governor and the Alcoholic Beverage Control Board so that they may understand the will of the Legislature regarding this matter.

Approved March 18, 1994

Time: 3:55 P.M.

Act No. 94-221

S.J.R. 54 – Senator Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM J. AMUNDSON.

WHEREAS, it is with a deep and profound sense of sorrow that the Alabama Senate notes the loss of William J. Amundson of Jasper, Alabama; and

WHEREAS, a native of Minnesota, William J. Amundson received his B.S. degree from Jacksonville State University and his M.A. degree in Education from the University of Alabama; he also did graduate work at the University of Alabama, the University of New Mexico and Florida State University; and

WHEREAS, for 31 years, William J. Amundson was known as the “Master Teacher” for his continuous outpouring of time and attention given to the many students who studied mathematics, computer science and related subjects which he taught at the University of Alabama at Birmingham’s Walker College; and

WHEREAS, William J. Amundson’s legacy for teaching will live on in the successful lives of his students, many of whom are now physicians, dentists, engineers and mathematics teachers; and

WHEREAS, William J. Amundson will be remembered as the teacher who “was always there when you needed him” and will be missed by the many whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That William J. Amundson’s compassion, love, sensitivity and his zest for life and learning will live on through his students and in the hearts and memories of his wife; Mary S. Amundson, son; William K. Amundson, daughter; Kimberly Gillespie, grandson, Lamar Gillespie, and his mother; Gunda Amundson, and other family members.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to his wife; Mary S. Amundson, so that she may know that we share in her great and grievous loss.

Approved March 18, 1994

Time: 3:56 P.M.

Act No. 94-222

S.J.R. 55 – Senator Wilson

SENATE JOINT RESOLUTION

DESIGNATING APRIL 28, 1994, AS WORKERS’ MEMORIAL DAY.

WHEREAS, the working men and women of this state will honor and remember American workers who have been injured on the job, permanently disabled, or died due to work-related accidents or exposure to dangerous substances; and

WHEREAS, Workers' Memorial Day is an occasion for all Alabamians to honor those persons who have died or been injured while contributing to the economic vitality of our state and country and pursuing a better quality of life for their families and themselves; and

WHEREAS, the labor and business communities and all Americans should renew and intensify efforts to improve health and safety in all American workplaces so that all workers of this state and country may perform their jobs in a safe and healthy environment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That in honor of those workers in Alabama who have lost their lives or suffered workplace injury or disease, we designate April 28, 1994, as Workers' Memorial Day in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the West Alabama Labor Council as an acknowledgment of its efforts in connection with this day of observance and their contributions to our state.

Approved March 18, 1994

Time: 3:57 P.M.

Act No. 94-223

S.J.R. 57 – Senator Escott-Russell

SENATE JOINT RESOLUTION

TO EXTEND THE TIME TO REPORT ACT 93-735 CONCERNING MASS TRANSIT

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee to Study Mass Transit be allowed to extend the time for said committee to report until the twenty-eighth legislative day of the Regular Session of 1994.

Approved March 18, 1994

Time: 3:58 P.M.

Act No. 94-224

S.J.R. 58 – Senator Bolling

SENATE JOINT RESOLUTION

COMMENDING EARL MCDONALD OF FAYETTE,
ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Earl McDonald of Fayette, Alabama, for his generous contribution to Bevill State Community College; and

WHEREAS, Mr. McDonald's generous contribution came in the form of a gift of \$250,000 which will be used to establish a College Foundation scholarship fund in his name, and makes Bevill State one of only three two-year colleges in the Alabama Postsecondary Education System to receive such a large donation; and

WHEREAS, until his retirement in 1986, after 49 years in business, Mr. McDonald, a prominent member of the Fayette community, owned and served as chief executive officer of telephone and television companies in Mississippi, and was associated with telephone companies in Tennessee, Georgia, and Alabama; he also was owner of an accounting firm which served eight telephone companies in four states; and

WHEREAS, a child of the Depression, Mr. McDonald worked his way through college to become a highly successful businessman, and serves as a perfect example of how an education at a small college can provide opportunity to those with the ambition to succeed; and

WHEREAS, Bevill State, through its quality and comprehensive educational services, both in vocational as well as academic training, contributes significantly to the good and well-being of the community and toward providing a better quality of life for all, and to this end, Mr. McDonald's gift provides hope for an education for those worthy students who might not be able to afford one otherwise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and gratitude for his significant contribution to Bevill State Community College and to the youth of our state, we hereby most highly commend Earl McDonald of Fayette, Alabama, for whom a copy of this resolution shall be provided.

Approved March 18, 1994

Time: 3:59 P.M.

Act No. 94-225

S.J.R. 59 – Senator Wilson

SENATE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. CARL J. MCKEEVER ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends heartiest congratulations to Mr. and Mrs. Carl McKeever of Jasper, Alabama, on their Sixtieth Wedding Anniversary, March 3, 1994; and

WHEREAS, Carl J. McKeever and Lois Jane Kilgore were married in Poplar Springs, Alabama, on March 3, 1934, and over the past 60 years their commitment to the ideals of marriage has enriched their lives, and has inspired all those who have witnessed their devotion; and

WHEREAS, Mr. and Mrs. McKeever are the loving parents of four boys and two girls, and the devoted grandparents of 26; they also have eight great grandchildren; and

WHEREAS, Carl and Lois McKeever have indeed set an outstanding example of a lasting marital partnership, in which both partners are greatly admired and respected within the community and by their family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in the joyful celebration, March 3, 1994, of the 60th Wedding Anniversary of Mr. and Mrs. Carl J. McKeever of Jasper, Alabama, for whom a copy of this resolution shall be provided, with warm best wishes for many more years of good health and happiness in their life together.

Approved March 18, 1994

Time: 3:59 P.M.

Act No. 94-226

S.J.R. 60 – Senator Wilson

SENATE JOINT RESOLUTION

COMMENDING JOHN CURTIS POE OF JASPER, ALABAMA, FOR EXEMPLARY PUBLIC SERVICE.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the outstanding public service of John Curtis Poe of Jasper, Alabama; and

WHEREAS, John Curtis Poe has been, and remains, an outstanding member of the Fraternal Order of Police, Walker County Lodge Number 7, and an energetic advocate of his fellow officers; and

WHEREAS, John Curtis Poe became an active legislative lobbyist for the membership of the Fraternal Order of Police for Anchor Lodge Number 25 in 1971, and, while serving on the legislative committee, assisted in the establishment of the Law Enforcement Minimum Standards Training Act and the Minimum Standards Training Commission; and

WHEREAS, John Curtis Poe acquired numerous other awards and commendations including being named Outstanding Law Enforcement Officer of the Year for Walker County in 1973, and was among the top seven officers in the state; he was also selected as the District 3 winner of the State Employee Public Service Award in 1988, 1989, 1990, and 1991; and

WHEREAS, additionally, he served as President of the Fraternal Order of Police in 1980, and served with distinction as a member of the State Policeman's Association as a member of the legislative committee for both organizations; and

WHEREAS, John Curtis Poe's community and political involvement did not overshadow his commitment to his family, namely his wife of 40 years, Sue Poe, and their three children J. C. Poe, Jr., Douglas M. Poe, and Sue Elaine Calvert; and

WHEREAS, John Curtis Poe was elected Outstanding Fraternal Order of Police Member of the Year in 1993; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend John Curtis Poe, the 1993 Outstanding Fraternal Order of Police Member of the Year, whom we hold in utmost regard and to whom a copy of this resolution shall be forwarded.

Approved March 18, 1994

Time: 4:00 P.M.

Denton, Dial, Dixon, Escott-
 Russell, Figures, Floyd, Foshee,
 Ghee, Hale, Hill, Horn, Langford,
 Lindsey, Lipscomb, Little, Mitchell,
 Mitchem, Owens, Parsons,
 Sanders, B. Smith, J. Smith,
 Underwood, Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF FRANK CORLEY ELLIS.

WHEREAS, it is with deep, personal sorrow that the Legislature of Alabama records the lamentable death of Frank Corley Ellis of Columbiana, Alabama, on February 26, 1994, at the age of 84 years; and

WHEREAS, a lifelong resident of Columbiana, Mr. Ellis was the son of former Alabama Lieutenant Governor Leven Handy Ellis, who served also in the Alabama Senate, as the Mayor of Columbiana, and as the Judge of the County's Law and Equity Court after retiring from the practice of law; and

WHEREAS, Frank Corley Ellis was a dairy farmer, a lifelong Methodist, and an alumnus of Auburn University where he was a member of Pi Kappa Alpha; he further was a nationally known breeder of game fowl, who had been named Sportsman of the Year by the Alabama Game Fowl Association, and, for many years, served as a football game official; and

WHEREAS, he was a devoted and active member of Columbiana United Methodist Church, where he had attended longer than any other member, and he also was a faithful member of the Luther Fowler Bible Class; and

WHEREAS, Mr. Ellis, who is survived by his beloved wife, Mrs. Christine Ellis, was the father of two sons, our good friend and Senate colleague, Frank Corley "Butch" Ellis, Jr., and Leven Handy Ellis, II, and a daughter, Linda Blanton; he also was the loving grandfather of eleven grandchildren and two great grandchildren, and the brother of Mrs. Evelyn Isbell, Mrs. Margaret Copeland, and Mrs. Bertha Gilmore; and

WHEREAS, the death of Frank Corley Ellis has indeed left an unfathomable void in the life of the community, and in the hearts of his family, many friends, and all those whose lives he filled with great happiness and joy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks unto God for the life and service of Frank Corley Ellis of Columbiana, Alabama, and do further direct

that copies of this resolution be provided for his family that they may know we sincerely share the sorrow of their great and grievous loss.

Approved March 18, 1994

Time: 3:30 P.M.

Act No. 94-228

S.J.R. 66 – Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING THE MONTGOMERY ACADEMY 1993-94 BOYS' JUNIOR HIGH "B" BASKETBALL TEAM FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Boys' Junior High "B" Basketball Team of Montgomery Academy on their outstanding accomplishments of the 1993-94 season; and

WHEREAS, the Junior High Boys' "B" Team, under the masterful direction of Coach Anthony McCall, posted a spectacular 12-0 season record, a performance that clearly reflects their dedication and will-to-win spirit, and captured 1st place in their team's classification in the Capital City Conference Tournament; and

WHEREAS, greatly contributing to these accomplishments were team members: Ross Beshear, Craig Bowman, John Ellis, Joe Hubbard, Judd Ledet, Thomas Oliver, Phelps Reid, Glenn Sylvest, Seth Tatum, Render Thomas, Taylor Upchurch, and Clint Wilson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the Montgomery Academy Boys' Junior High "B" Basketball Team, and direct that a copy of this resolution be forwarded to Coach Anthony McCall for appropriate presentation and display.

Approved March 18, 1994

Time: 3:31 P.M.

Act No. 94-229

S.J.R. 67 – Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING THE MONTGOMERY ACADEMY 1993-94 BOYS' JUNIOR HIGH VARSITY BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes the Montgomery Academy 1993-94 Boys' Junior High Varsity Basketball Team on their outstanding 12-2 season record, and on their 1st place win in their classification in the Capital City Conference Tournament; and

WHEREAS, greatly contributing to an outstanding team effort were team members Jay Barganier, Fred Blackmon, Matt Cone, Beau Daniel, Bruce Downey, Cleve Gordon, Hart Johnson, George Liles, Jamaine Mayberry, Charles Winston Sheehan, and Fred Sippial; and

WHEREAS, these fine young athletes, under the skillful leadership of head coach Robert Johnson, are indeed deserving of highest praise on their accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the Montgomery Academy Boys' Junior High Varsity Basketball Team, and direct that copies of this resolution be forwarded to Coach Robert Johnson for appropriate presentation and school display.

Approved March 18, 1994

Time: 3:32 P.M.

Act No. 94-230

S.J.R. 68 – Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING THE MONTGOMERY ACADEMY 1993-94 GIRLS' JUNIOR HIGH "B" BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with sincere pleasure that the Alabama Legislature recognizes the Montgomery Academy 1993-94 Girls' Junior High "B" Basketball Team on their impressive season record of 8-1, and on their 1st place win in their classification in the Capital City Conference Tournament; and

WHEREAS, contributing to this feat were team members Kathleen Bradford, Leigha Cauthen, Elizabeth Dixon, Patricia Gregory, Lauren Gullede, Gracen Hendrix, Emily Kohn, Meg Pyper, Kate Roberts, Rachel Sh'ar, Erin Spillers, and Jennifer Turner; and

WHEREAS, these fine young athletes, along with their talented coach June Garzon are indeed deserving of highest praise for their dedicated efforts and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That heartiest congratulations are hereby extended to the Montgomery Academy Girls' Junior High "B" Basketball Team on their outstanding achievement along with sincere best wishes for continued success.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coach June Garzon for appropriate presentation and school display.

Approved March 18, 1994

Time: 3:33 P.M.

Act No. 94-231

S.J.R. 70 – Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING WANDA MYSINGER FOR OUTSTANDING SERVICE TO THE UNIVERSITY OF ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes Wanda Mysinger for exemplary service to the University of Alabama; and

WHEREAS, Ms. Mysinger joined the University staff in 1975 as Assistant to the Director of Special Events and, from 1976 to 1990, served as Executive Secretary and Administrative Specialist to the Dean of the Graduate School; in 1990, she was named to her present position as Administrative Specialist to the Assistant Academic Vice President and Dean of the Graduate School; and

WHEREAS, over the course of her distinguished tenure with the University of Alabama, Ms. Mysinger has handled numerous administrative support responsibilities, having served as coordinator for the John F. Burnum Distinguished Award and Lecture, the

annual review of the University's Sabbatical Leave Program, and meetings of the University's Task Force on Human Relations; and

WHEREAS, she has also served as Assistant to the Chairman of the University of Alabama's United Way Drive, as chairperson for the Office/Clerical/Technical Advisory Committee for the University, and as co-chairman of the Retired Faculty and Staff Division of the United Way Drive; and

WHEREAS, her many other duties, in general and specialized administrative support, have called for sound judgment, interpersonal communicative skills, and the ability to interact effectively with a wide range of people, and Ms. Mysinger, who possesses all these attributes, has been a truly valued employee of the University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of her forthcoming retirement, July 1, 1994, we hereby most highly commend Wanda Mysinger for exemplary and dedicated service to the University of Alabama, and do further direct that she receive a copy of this resolution of highest personal regard, and sincere best wishes for every future success.

Approved March 18, 1994

Time: 3:34 P.M.

Act No. 94-232

S. 76 – Senators Mitchem, Dial, Dixon, Windom, Parsons, Ghee, Mitchell, Lindsey, Wilson, Denton, Corbett, Smith (J), Little, Bolling, Barron, Horn, Waggoner, Langford, Bailey, Foshee, Hale, Owens, and Figures

AN ACT

To provide for a cost-of-living increase to certain retirees and beneficiaries of the Employees' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Commencing October 1, 1994, each person, except those whose employer participated in the Employees' Retirement System pursuant to Sections 36-27-6, 36-27-7, and

36-27-7.1, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1994, and who is receiving or is entitled to receive a monthly allowance from the Employees' Retirement System, shall receive a cost-of-living increase of not less than twenty-five dollars (\$25) per month and the increase shall be more if determined by computing the sum of the following three factors:

(1) Two and one-half (2.5) percent of the individual's current gross monthly benefit, including all previous increases.

(2) One dollar and fifty cents (\$1.50) for each year of creditable service in covered employment prior to retirement.

(3) One dollar (\$1) for each year since the effective date of retirement or the date of death in the case where the employee dies prior to retirement.

Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected unless the designated beneficiary under the option is deceased on October 1, 1994, in which case the increase shall not be reduced.

(b) Beneficiaries of deceased members or deceased retirees, except where the deceased member or deceased retiree retired from an employer participating in the Employees' Retirement System pursuant to Sections 36-27-6, 36-27-7 and 36-27-7.1, Code of Alabama 1975, if the date of death for the deceased member, or the effective date of retirement for the deceased retiree for purposes of receiving benefits from the Employees' Retirement System was prior to October 1, 1994, shall receive the cost-of-living increase in the amount attained by the retiree reduced by the retiree's option election factor but the reduction shall not make the increase less than twenty-five dollars (\$25) per month.

Section 2. (a) Commencing October 1, 1994, each person whose employer participated in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1994, and who is receiving or is entitled to receive a monthly allowance from the Employees' Retirement System, may receive a cost-of-living increase determined by the formula used in Section 1, if the employer elects to come under this act. Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected. Any employer making the election to come under the act shall bear the cost of the cost-of-living increases paid to its employees pursuant to

this section. Any employer participating under Section 36-27-6, Code of Alabama 1975, may elect to come under this act at the beginning of any subsequent fiscal year and the employer shall not be required to pay this cost-of-living increase retroactively.

(b) If the employer elects to come under this act, beneficiaries of deceased members or deceased retirees retired from an employer participating in the Employees' Retirement System pursuant to Section 36-27-6, Code of Alabama 1975, shall receive the same cost-of-living increase provided in Section 1, reduced by the retiree's option factor but the reduction shall not make the increase less than twenty-five dollars (\$25) per month.

Section 3. Commencing October 1, 1994, each person whose employer participated in the Employees' Retirement System pursuant to Sections 36-27-7 and 36-27-7.1, Code of Alabama 1975, whose effective date of retirement for purposes of receiving benefits from the Employees' Retirement System is prior to October 1, 1994, and who is receiving a monthly allowance or is eligible to receive a monthly allowance from the Employees' Retirement System, shall receive a cost-of-living increase in the amount of one half the amount provided by the formula in Section 1. Retirees who chose Options 2, 3, or 4 shall receive the cost-of-living increase reduced by the same percentage as the reduction which occurred because of the option selected unless the designated beneficiary under the option is deceased on October 1, 1994, in which case the increase shall not be reduced. Beneficiaries of deceased members or deceased retirees of employers participating in the Employees' Retirement System pursuant to Sections 36-27-7 and 36-27-7.1, Code of Alabama 1975, shall be entitled to the increase the retiree has attained using the formula provided in Section 1, reduced by the retiree's option election factor.

Section 4. The Board of Control of the Employees' Retirement System shall determine annually the amount required to pay the cost of the increased allowance provided under Sections 1 and 3 of this act, and shall notify the chief fiscal officer of each employer of the percentum rates of earnable compensation of the members required to be paid to the Retirement Systems. Each employer of members of the Employees' Retirement System shall pay on account of the increases provided in Sections 1 and 3 in the same manner and from the same source of funds as provided in Sections 36-27-7 and 36-27-24, Code of Alabama 1975, it being the intent of the Legislature that the cost of providing the increases in Sections 1 and 3 of this act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

Section 5. The Board of Control of the Employees' Retirement System may notify any employer who participated in

the Employees' Retirement System and has withdrawn from participation on the effective date of this act that the cost-of-living increases provided by this act and Act No. 93-604, 1993 Regular Session, are available to their retirees and beneficiaries provided the employer elects to fund the increase.

Section 6. Any pensioner who retired from a city, town, county, or public or quasi public organization of the state before the city, town, county, or public or quasi public organization of the state became a member of the Employees' Retirement System, and who is receiving a monthly benefit on the effective date of this act administered by the Employees' Retirement System, may receive an increase in benefits in the amount of sixty dollars (\$60) per month if the city, town, county, or public or quasi public organization of the state elects to fund the increase, provided the pensioner retired prior to October 1, 1994.

Section 7. Any county board, department, or agency responsible for the local administration of a program for a state board, department, or agency affiliated with the Employees' Retirement System on October 1, 1994, may provide the cost-of-living increase pursuant to this act to any retiree or beneficiary who retired prior to October 1, 1994, if the local administrative unit elects to fund the increase.

Section 8. Any person who received benefits under the Medicaid Program and whose eligibility for Medicaid benefits would be impaired by the cost-of-living increase provided by this act shall not be entitled to receive the increase. Any person who subsequently applies for benefits under the Medicaid Program and ~~that person's~~ **that person's** eligibility to receive benefits is impaired by the cost-of-living increase provided by this act, **shall not be entitled to** receive the increase subsequent to the date that the member files application for benefits under the Medicaid Program.

Section 9. The provisions of this act are supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to the retired members of the Employees' Retirement System. However, those laws or parts of laws which are in direct conflict or inconsistent with this act are repealed to the extent of the conflict.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law

Approved March 18, 1994

Time: 3:35 P.M.

Act No. 94-233

S.J.R. 74 – Senator Mitchell

SENATE JOINT RESOLUTION

COMMENDING DALE COUNTY SHERIFF BRYANT MIXON
FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND
SERVICE.

WHEREAS, it is with great pleasure that the Legislature of Alabama congratulates and commends James Bryant Mixon of Dale County, Alabama, on his election as President of the Alabama Sheriffs' Association for 1994; and

WHEREAS, one of our state's most prominent and effective law enforcement officials, Bryant Mixon is serving his third consecutive term as Sheriff of Dale County; he also is serving as President of the Alabama Peace Officers Association (A.P.O.A.), and is only the third sheriff in Alabama's history to serve concurrently as president of both these statewide associations; and

WHEREAS, a native of Dale County and a graduate of Ozark's Carroll High School, Sheriff Mixon attended Enterprise State Junior College, and received his Bachelor's and Master's degrees in Law Enforcement from Auburn University and Troy State University, respectively; additionally, he is a graduate of the Montgomery Police Academy, Alabama Power Company Nuclear Security School, the FBI Academy, and other advanced schools and seminars; and

WHEREAS, Sheriff Mixon, in professional involvement, above and beyond his duties as Dale County's top law enforcement official, serves on the National Sheriffs' Association Detention and Corrections Committee, the Board of Directors of the University of Alabama Law Enforcement Academy, the Alabama Council on Crime and Delinquency, and is active as well as a member of the FBI National Academy Associates, International Narcotics Officers' Association, and the Constitutional Steering Committee for Victims' Rights; and

WHEREAS, his civic and community affiliations include such organizations as the Advisory Board of the Children's Trust Fund, Veterans of Foreign Wars, the American Legion, and the Dale County RSVP Advisory Board, among many others; and

WHEREAS, Sheriff Mixon, recipient of the Dale County Jaycees Outstanding Young Law Enforcement Officer of the Year honors and Ozark's Man of the Year award, is indeed an outstanding law enforcement officer whose ability and achievements have been recognized and acknowledged by his peers, not only in Dale

County and the State of Alabama, but nationwide, as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary professional achievement and service, we hereby most highly commend Sheriff Bryant Mixon of Ozark, Alabama, and do further direct that he receive a copy of this resolution of highest personal regard.

Approved March 18, 1994

Time: 3:36 P.M.

Act No. 94-234

S.J.R. 76 – Senator Floyd

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WILLIAM EUGENE ELLEN OF GADSDEN, ALABAMA.

WHEREAS, it is with a deep sense of sorrow and loss that the Alabama Legislature mourns the death of William Eugene Ellen of Gadsden, Alabama, on February 6, 1994, at the age of 81 years; and

WHEREAS, William Eugene (Brother Bill) Ellen, a man of deep and abiding faith and a true student of the Holy Scriptures, remained faithful to his call as a devoted minister of the Gospel and devoted witness to the saving grace of God throughout his life; and

WHEREAS, over his dedicated ministry he served pastorates at the Second Baptist Church, Altoona, Black Creek Baptist Church and New Hope Baptist Church, Etowah County, Eastside Baptist Church and Park Avenue Baptist Church, Oneonta, and as a member of the staff of White Chapel Baptist Church of Gadsden for some 22 years; and

WHEREAS, preceded in death by his beloved son, Dean Ellen, who went home to be with the Lord in 1967, Brother Bill Ellen is survived by his loving wife, Mrs. Gertrude Ellen; sons, Phillip, Donnie, and James Ellen; daughters, Sara Whitworth and Glenda Justus; fifteen grandchildren and eleven great-grandchildren; a brother, Paul Ellen; and sisters, Irene Sitz, Ann Anderson, and Lela McAdams; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the blessing of the life of

William Eugene Ellen, and extend deepest sympathy to all his family, for whom a copy of this resolution of sincere condolence shall be provided.

Approved March 18, 1994

Time: 3:37 P.M.

Act No. 94-235

S.J.R. 78 – Senator Dial

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CARL THOMAS DRYDEN OF HEFLIN, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Legislature of Alabama records the death of Carl Thomas Dryden of Heflin, Alabama, on November 24, 1993, at the age of 90 years; and

WHEREAS, Mr. Dryden, a lifelong resident of Cleburne County, was born at Muscadine, April 3, 1903, and moved to Heflin where he enrolled in high school after finding employment as a barber, a trade he was to practice until 1962; and

WHEREAS, after purchasing the barber shop in 1931, Mr. Dryden began a career in business and, over the next three decades, was to become one of Cleburne County's most successful and highly regarded businessmen; and

WHEREAS, in 1934, Mr. Dryden opened the first beauty shop in Heflin, located in the back of his barber shop, and successively thereafter established the Heflin Monument Company, as well as the Dryden Flower Shop in the early fifties; purchased the funeral home in Heflin in 1962; and, in 1964, opened the Dryden Funeral Home Chapel in Ranburne to serve families in Eastern Cleburne County; and

WHEREAS, Mr. Dryden also served as a member of the Heflin City Council for seven four-year terms, during which period he worked to successfully recruit several manufacturing plants for his home town, and was instrumental in securing funds to build the Cahulga Creek Reservoir and water treatment facility in Heflin; and

WHEREAS, he further was a member of Caldwell Masonic Lodge 502, and of Heflin Baptist Church which he actively served

as a deacon, and as a member of the committee that was in charge of the church's massive rebuilding program; and

WHEREAS, Carl Thomas Dryden was indeed one of Heflin's most beloved and respected citizens, and his lamentable death has left a deep void in the lives of his family, many friends, and all those privileged to know him as a kind and generous man who was genuinely concerned for the people of Heflin and Cleburne County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Carl Thomas Dryden of Heflin, Alabama, and extend our most heartfelt condolences to his beloved wife, Mrs. Ola Dryden; to his daughter, Mrs. Elizabeth Fuqua, and sons, Carlisle Dryden, Eddy Dryden and Edward Phillips; his 11 grandchildren and 15 great grandchildren; sister, Mrs. Lona Hutcheson; and to other family members, for whom a copy of this resolution shall be provided.

Approved March 18, 1994

Time: 3:38 P.M.

Act No. 94-236

S.J.R. 79 – Senators Waggoner, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF GEORGE LEWIS BAILES, JR. OF BIRMINGHAM, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of George Lewis Bailes, Jr. of Birmingham, Alabama, on March 1, 1994, at the age of 74 years; and

WHEREAS, born in Atlanta, Georgia, to former Circuit Judge George Lewis Bailes of the 10th Judicial Circuit of Alabama, and

his wife, Emilu Fox Bailes, George Lewis Bailes, Jr. attended public schools in Birmingham, Mars Hill College in North Carolina, and graduated from Marion Military Institute; he also was a graduate of the University of Alabama, a World War II Veteran of the United States Army Air Corps, and a former member of the Alabama National Guard; and

WHEREAS, Mr. Bailes, a distinguished Alabamian, served in State leadership from 1962-1974 as a member of the Alabama House of Representatives for one term, for two terms in the Alabama Senate, and also served from 1977 to 1981 as Chairman of the Alabama State Democratic Executive Committee; and

WHEREAS, a former highly successful realtor, who had most recently served as President of Bailes Building Company, Mr. Bailes was a resident of both Birmingham and Perdido Key, Florida, and in both locales had assumed positions of leadership in numerous civic and community activities; and

WHEREAS, he was a former Potentate of Zamora Temple, a former member of The Club, The County Club of Birmingham and Saint Lukes' Episcopal Church, and was a member of the Shipwatch Surf and Yacht Club Condominium Association, Holy Trinity Episcopal Church in Pensacola, and Sigma Alpha Epsilon Fraternity; and

WHEREAS, Mr. Bailes, who was preceded in death by his wife, Mrs. Rudene Leach Bailes, is survived by four children, Becky B. Pettiss, George L. Bailes, III, Warren B. Cain and Emilu F. Bailes, and by eight grand-children, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of George Lewis Bailes, Jr. of Birmingham, Alabama, and Perdido Key, Florida, and extend our very deepest sympathy to all his family, whose sorrow we sincerely share, and for whom copies of this resolution shall be provided.

Approved March 18, 1994

Time: 3:39 P.M.

Act No. 94-237

S.J.R. 81 – Senators Amari, Parsons, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee,

Hale, Hill, Horn, Langford,
 Lindsey, Lipscomb, Little,
 Mitchell, Mitchem, Owens,
 Sanders, B. Smith, J. Smith,
 Underwood, Waggoner, Wilson
 and Windom

SENATE JOINT RESOLUTION

COMMENDING ANNE ADAMS FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama, having learned of the forthcoming retirement of Elizabeth Anne Adams as an analyst with the Legislative Reference Service since 1974, most gratefully acknowledges her many contributions to the legislative process, and her exemplary service to the State of Alabama; and

WHEREAS, Anne Adams, the daughter of the late William Jackson Adams and Mrs. Irene Beaty Adams, was born and grew up in Barbour County, where her father served as Sheriff for 15½ years prior to his untimely death in 1967; her mother, "Miss Irene," also served as Sheriff, completing the remaining 32 years of her husband's term in office by appointment of the late Governor Lurleen B. Wallace; and

WHEREAS, a graduate of Barbour County's Baker Hill High School, Anne Adams received a B.S. degree from Troy State University, and is a former teacher in the Tallassee and Dothan City School Systems; she also attended the Cumberland School of Law where she received the degree of Doctor of Jurisprudence in 1973; and

WHEREAS, over the course of her career as a legislative analyst, Anne Adams' wealth of knowledge, experience and expertise have earned for her the highest respect of her co-workers and peers, who have often sought and willingly received the benefit of her advice; and

WHEREAS, also during her tenure, and in addition to her primary responsibilities as an analyst, she has served as Law Librarian for the Reference Service; as secretary of the Legislative Research Librarians Staff Section of the National Conference of State Legislatures; and as editor of the Summary of General Laws and Proposed Constitutional Amendments, which is published by her office following legislative sessions; and

WHEREAS, her meticulous care in the drafting of legislation, accuracy of detail, and sound research, as well as her other professional contributions, have been of invaluable worth to the Legislative Reference Service, and will be greatly missed, as will her keen wit and the ability to maintain her good humor when faced with the mounting pressures of work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply indebted to Elizabeth Anne Adams of Texasville, Alabama, for extraordinary and dedicated service to the Legislative Reference Service and the State of Alabama; we further wish her well in all future endeavors, and direct that she receive a copy of this resolution that she may know how much we value her friendship, and of our highest personal regard for her many outstanding abilities.

Approved March 18, 1994

Time: 3:40 P.M.

Act No. 94-238

S.J.R. 82 – Senator Waggoner

SENATE JOINT RESOLUTION

RECOGNIZING THE 1994 CAHABA GIRL SCOUT COUNCIL “WOMEN OF DISTINCTION LUNCHEON,” ATTENDED BY ITS 1991-1994 GIRL SCOUT GOLD AWARD RECIPIENTS AND DISTINGUISHED GUESTS, AND MARGARET DeB. TUTWILER, AS THE RECIPIENT OF THE 1994 MILDRED BELL JOHNSON AWARD.

WHEREAS, the Second Annual Cahaba Girl Scout Council “Women of Distinction Luncheon,” being held on May 13, 1994, is an opportunity for the 1991 through 1994 recipients of Girls Scouts’ highest award, the Gold Award, to be introduced to, and to interact with, various outstanding professional women of distinction in the Birmingham business, civic and educational fields of endeavor; and

WHEREAS, the philosophy of “women helping women” is the cornerstone of the Girl Scout program, and it is hoped that this program will encourage our state’s emerging young women leaders to consider career fields which are looked upon as nontraditional for women; and

WHEREAS, Alabama’s most valuable resource is the contribution to our society offered by its many talented citizens, and it is the policy of this body to recognize and commend excellence, especially when evidenced by the youth of our state, who are its future; and

WHEREAS, the Cahaba Girl Scout Council, after due deliberation, would like to bestow its annual Mildred Bell Johnson Award to Margaret DeB. Tutwiler, who has attained, in part because of her training and experiences in the Girl Scout program, a high

degree of public recognition and accolade, and who further exemplifies and defines those characteristics that the Council strives to instill in its members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend the 1991 through 1994 Girl Scout Gold Award Recipients, the distinguished guests at the "Women of Distinction Luncheon" and Margaret DeB. Tutwiler, the 1994 recipient of the Margaret Bell Johnson Award.

BE IT FURTHER RESOLVED, That copies of this resolution be furnished to the Cahaba Girl Scout Council, the 1992 through 1994 Girl Scout Gold Award Recipients, Margaret DeB. Tutwiler and members of the Capitol Press Corps.

Approved March 18, 1994

Time: 3:41 P.M.

Act No. 94-239

S.J.R. 83 – Senator Waggoner

SENATE JOINT RESOLUTION

DESIGNATING THE MONTH OF MARCH 1994 AS "ALABAMA IRISH AMERICAN HERITAGE AND BIRMINGHAM ST. PATRICK DAY PARTY MONTH."

WHEREAS, Irish Americans participated heavily in the industrial and economic development of America and the State of Alabama during the nineteenth century, building the cities and canals and the railroads that developed our Nation; and

WHEREAS, even today, it is said that under every railroad tie an Irishman is buried; and

WHEREAS, Irish Americans have made numerous contributions to the arts and sports, as exemplified by the achievements of F. Scott Fitzgerald, Eugene O'Neill, Helen Hayes, Georgia O'Keefe, John L. Sullivan, Connie Mack and countless others; and

WHEREAS, at the beginning of the twentieth century, many of the school teachers in America's largest cities were Irish American women, including Principal Mary Jane Cahalin of Birmingham, Alabama; and

WHEREAS, Irish Americans, including Kathryn Sullivan, the first woman to walk in space, and Christa Corrigan McAuliffe, America's first school teacher in space who perished on the tragic and ill-fated Challenger mission, have bravely served as America's pioneers in space; and

WHEREAS, more than 200 Irish Americans have been awarded the Congressional Medal of Honor; and

WHEREAS, 44 million Americans are of Irish ancestry; including the distinguished Presidents John F. Kennedy and Ronald Reagan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the month of March, 1994, is designated as "Alabama Irish American Heritage and Birmingham St. Patrick's Day Party Month."

BE IT FURTHER RESOLVED, That the Legislature of Alabama recognizes Marty Connors for his invaluable work in promoting Alabama's Irish American heritage through the Birmingham annual St. Patrick's Day Parade and Celebration.

RESOLVED FURTHER, That the State of Alabama recognizes Paul McMahon, Jim Skoney, The Honorable George Seibels, Tiencie Connors, The Honorable Robert Cahill, Danny Patterson, Pearce Westfall, Ferris Stephens, Joe Domanovich, Bill Voight, and Andy Smith for their tireless efforts in promoting the cultural remembrance of Birmingham's St. Patrick's Day Parade.

Approved March 18, 1994

Time: 3:42 P.M.

Act No. 94-240

S.J.R. 84 – Senator Dial

SENATE JOINT RESOLUTION

DESIGNATING THE AL ALEXANDER ACTIVITY BUILDING AT CHEAHA STATE PARK.

WHEREAS, the Legislature of Alabama notes with sorrow the death of Mr. I. D. "Al" Alexander, a native of Clay County; and

WHEREAS, Mr. Alexander, a retired newspaper printer, was an active participant in numerous civic and charitable activities, including serving as the Director of the United Fund in Tampa, Florida; and

WHEREAS, Mr. Alexander, a member of the Lineville Baptist Church and the Men's Bible Class, was a man of integrity and dignity, loyal to his friends, devoted to his family, and dedicated in his sense of duty and responsibility to his faith and his fellowman; and

WHEREAS, Mr. Alexander shepherded the effort resulting in the construction of the activity building at Cheaha State Park, astutely persuading various groups, including the Legislature, the Department of Conservation and Natural Resources, and other state officials to support that important endeavor; and

WHEREAS, Mr. Alexander was the founder and director of the Cheaha Minister Program, and the energy, effort and enthusiasm expended by him was instrumental in the success of this worthy program; and

WHEREAS, it is highly proper that the Legislature of Alabama recognize the significant contributions of Mr. I. D. "Al" Alexander to Clay County and to the State of Alabama in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Activity Building at Cheaha State Park shall be designated as the "Al Alexander Activity Building" as a continuing memorial to the contributions of this notable individual.

BE IT FURTHER RESOLVED, That the Department of Conservation and Natural Resources is requested to erect and maintain appropriate signs or markers designating the building, and that a copy of this resolution be forwarded to the family of Mr. Alexander and to the Department of Conservation and Natural Resources that they may know of this honorary designation.

Approved March 18, 1994

Time: 3:43 P.M.

Act No. 94-241

S.J.R. 86 – Senator Denton

SENATE JOINT RESOLUTION

**COMMENDING AND EXPRESSING APPRECIATION TO
THE ALABAMA FORESTRY COMMISSION.**

WHEREAS, in consensus of commendation, the Alabama Legislature expresses praise and appreciation to the Alabama Forestry Commission for their extraordinary efforts in the aftermath of the recent ice storm and sub-freezing conditions in District 9; and

WHEREAS, employees of the Forestry Commission in District 9 worked diligently and tirelessly for extended periods of time and under the most severe weather conditions to assist thousands who were without power due to downed trees and power lines; and,

WHEREAS, we particularly acknowledge the following persons for their clean-up efforts:

Mike Highfield, Phillip Horn, Buddy Adcock, Blake Kelley, Lewis Nix, Johnna Godsey, Gary Sides, Ken Elmore, Dan Lassiter,

Bailey Woods, Jim Jeter, Harold Jordan, Terry Ezell, Mitch Craft, Neal Taylor, Randy Bynum, Mark Sullivan, Gary Sanders, Phillip Smith, Jason Wolf, Darren McCamey, Dan Fincher, Larry Parker, Leitha McClain, Dewit Vincent, Derrick Heckman, Steve McEachron, Cary Rhodes, Reginald Wright, Bob Winters, Jerry Helms, Kenneth Hulcey, David Frost, Tim Davis, Willie Holston, Jeff Coronet, Scott Swealt, Bobby Matthews, Terry Arron, Larry Wright, Pat Lombard, Johnnie Everitt, David Reid, Wayne Winsted, Willie Pride, Mike Lanier, Neil Davis, Marshall Peacock, Walter Vest, Roy Mott, Mike Kyser, Gerald Steele, Coleen Vansant, Cal Cobb, Sam Gravel, Rick Banks, Lee Laechelt, Neil Letson, Billy Rye, Chuck Webber, Tony Avery, Paul Beverly, Jimmy Chenault, Wes Montgomery, Vernon Tucker, and Flavil Logan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a job well done, we hereby most highly commend the men and women of Alabama Forestry Commission for their personal sacrifice and exceptional efforts on behalf of the citizens of our state.

BE IT FURTHER RESOLVED, That copies of this resolution of sincere tribute be provided for appropriate presentation to Alabama Forestry Commission.

Approved March 18, 1994

Time: 3:28 P.M.

Act No. 94-242

S.J.R. 88 – Senator Dial

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ESCAR BLAKE WOOD OF HEFLIN, ALABAMA.

WHEREAS, herein grievously recorded by the Alabama Legislature is the death of Escar Blake Wood of Heflin, Alabama, on January 25, 1994, at the age of 88 years; and

WHEREAS, a native of Randolph County, and a resident of Heflin from an early age, Mr. Wood was a well-known pharmacist and businessman, who owned and operated Wood Drug Company for more than 45 years after he and his father, Dr. F. R. Wood, purchased the business from its former owners; and

WHEREAS, Mr. Wood, who was active in politics, both locally and statewide, served as Mayor Pro Tem of the Heflin City Council

for 28 years, and served for two terms as former Governor George Wallace's Cleburne County Coordinator; and

WHEREAS, among numerous accomplishments during his tenure on the Heflin City Council, Mr. Wood was instrumental in organizing the city's first paving project, first sewage treatment plant, and Heflin's present water system, including the Cahulga Creek Reservoir and water treatment plant; and

WHEREAS, also to Mr. Wood's credit are the several industries he helped secure for the town, including Dixie Mines, Crowntuft, Moore Business Forms and Sewell Manufacturing Company, as well as many contributions through his activities and involvement as a charter member of the Heflin Lions Club and the Heflin Athletic Booster Club, and as Chairman of the County Democratic Executive Committee for 12 years; and

WHEREAS, in the death of Escar Blake Wood, the Heflin community has indeed suffered an inconsolable loss that leaves his family and many, many friends sorely bereft in grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Escar Blake Wood of Heflin, Alabama, and extend our most heartfelt sympathy to his beloved wife, Mrs. Myrtrice Crews Wood; sons, Jack and Gene Wood; his seven grandchildren and ten great grandchildren; to his brother, Will M. Wood; and other family members, for whom a copy of this resolution of sincere condolence shall be provided.

Approved March 18, 1994

Time: 3:29 P.M.

Act No. 94-243

H.J.R. 48 – Reps. Hall (A), Freeman

HOUSE JOINT RESOLUTION

REQUESTING THE ALABAMA ATTORNEY GENERAL TO FILE SUIT IN THE UNITED STATES SUPREME COURT AGAINST THE UNITED STATES GOVERNMENT, SPECIFIED U.S. GOVERNMENT DEPARTMENTS AND AGENCIES, AND THE OFFICIAL REPRESENTATIVES OF CERTAIN OTHER COUNTRIES ALLEGING VIOLATIONS OF THE CIVIL RIGHTS OF PRISONERS OF WAR OR MISSING IN ACTION AND TO DEMAND THAT DOCUMENTS CONCERNING THESE INDIVIDUALS BE RELEASED, AND ALSO URGING OTHER STATES TO JOIN IN THIS ACTION.

WHEREAS, there is continuing controversy concerning the presence of American service personnel, who were listed as Prisoners of War or Missing in Action, being held against their will in North Korea, China, the former Soviet Union, and the Southeast Asian nations of Vietnam, Laos, and Kampuchea (formerly Cambodia); and

WHEREAS, the United States government has stated that all of our Prisoners of War have been returned from Vietnam; and

WHEREAS, a recent top secret Vietnamese report, dating from 1972, by General Tran Von Kwong, Deputy Chief of Staff for the North Vietnamese Army, reported that in September of 1972 Hanoi held 1,205 American prisoners; and

WHEREAS, only 591 American Prisoners of War have been released under the 1973 Peace Settlement; and

WHEREAS, Vietnamese nationals who have moved to the United States have reported the appearance of American Prisoners of War still being held against their will in Southeast Asia; and

WHEREAS, the President of Russia has stated that the Soviet Union took American service personnel during the Vietnam War into Russia and that there is no adequate explanation concerning the whereabouts of these service personnel; and

WHEREAS, there are still hundreds of documents in the United States Department of Defense that have not been released to the public concerning the fate of American service personnel classified as Prisoners of War or Missing in Action; and

WHEREAS, the United States government's intelligence agencies have taken the position of trying to discredit any information concerning the existence of American Prisoners of War, instead of demanding a full accounting from World War II, Korea, Vietnam, Laos, and Kampuchea based upon information that has been received; and

WHEREAS, there are approximately 20 missing and unaccounted for service personnel from World War II, approximately 38 missing and unaccounted for service personnel from Korea, and approximately 45 missing and unaccounted for service personnel from Southeast Asia from Alabama; and

WHEREAS, the United States government has never entered into negotiations with the government of Laos concerning the release of American Prisoners of War who were taken prisoner by the communists in Laos during the Vietnam War; and

WHEREAS, the United States government has never entered into negotiations with the government of Kampuchea concerning

the release of American Prisoners of War who were taken prisoner by the communists in Kampuchea during the Vietnam War; and

WHEREAS, the Paris Peace Accord is now twenty years old and any national security secrets regarding the technology that was used in the war would be outdated, especially considering that military research and arms build-up have made most of the technology and methods used in World War II, Korea, and the Vietnam War obsolete; and

WHEREAS, the only reason for secrecy at this time would be to cover up the actions of politicians, public officials, and negotiators who deliberately abandoned American Prisoners of War after the Vietnam War; and

WHEREAS, any Americans who are still being held against their will as a result of World War II, Korea, or the Vietnam War are having their inherent and inalienable right to liberty violated; a right endowed by our Creator, and guaranteed by the Declaration of Independence and the Constitution of the United States; and

WHEREAS, Americans cherish the sacred right of liberty, a right the founders of our nation pledged to fight for and to protect with their lives, their fortunes, and their sacred honor; and

WHEREAS, the executive branch of the federal government has miserably failed to even attempt to negotiate the release of Americans that may still be held in Southeast Asia, and is obstructing the discovery of any remaining service personnel; and

WHEREAS, the legislative branch of the federal government has also miserably failed to thoroughly investigate and honestly report on this tragedy, and, indeed, has even ordered the destruction of staff documents containing staff intelligence reports on this sensitive issue; and

WHEREAS, the inferior courts of the federal judiciary have not granted relief to the American soldiers listed as Prisoners of War or Missing in Action; and

WHEREAS, the United States Supreme Court is the last bastion that an American citizen has for redress of grievances and protection of Constitutional liberty against an oppressive federal executive and a duplicitous federal legislature; and

WHEREAS, the United States Constitution, in Article III, Section 2, states "In all Cases affecting Ambassadors, other public Ministers and Counsel, and those in which a State shall be a Party, the Supreme Court shall have original Jurisdiction"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Attorney General of the State of Alabama is requested, on behalf of the people of the State of Alabama, to file in the United States Supreme Court a cause of action against the government of the United States, particularly the Department of Defense and the intelligence agencies, and also against the ambassadors or other public ministers and consuls of the governments of North Korea, China, the former Soviet Union, Vietnam, Laos, and Kampuchea, alleging violation of civil rights of the people of Alabama, specifically alleging the violation of the right to life, liberty, and the pursuit of happiness of the following named citizens of the State of Alabama:

ALABAMIANS UNACCOUNTED FOR IN WORLD WAR II

MISSING

THOMAS, EUGENE M. JR.	0-437900 1LT M
STUART, PAUL H.	0-778505 2LT M
JOHNSON, JAMES H.	0-725308 CAPT M
POWELL, JOHN L.	14016111 SSG M
HOWARD, ALBERT R.	34802325 SGT M
NEWMAN, BUFORD E.	34808256 PFC M
PAINTER, LESLIE W.	34334638 CPL M
BOWDOIN, EDGAR L.	34811191 CPL M
KNOX, MORTON M.	34799997 CAPT M
BARNES, THOMAS C. JR.	34586171 CPL M
COOK, JAMES A.	0-930888 2 LT M
ROBERTS, WILLIE F.	14079117 SGT 2RA
EIDERS, HERMAN W.	44016643 PFC M
WALLS, ALBERT C.	34399945 PVT M
ADAMS, MAX A.	14098594 SSG M
WARDER, JOSEPH H. JR.	35730128 CPL M
ROBERTS, HALE	34812243 CPL M
WRIGHT, JOHN R.	14023377 MSG M
HUGHES, JAMES E.	14170908 SGT M
FARISH, HENRY T. JR.	34108214 MSG M

ALABAMIANS ACCOUNTED FOR BY THE COMMUNISTS IN THE
KOREAN CONFLICT
BRANCH OF SERVICE
UNITED STATES NAVY

Watson, James H. Com. 3rd Cl. 1816 Ave. 32, Birmingham
Jefferson DOI

White, Samuel Lee Lt. Com. Box 504, Sylacauga Talladega KIA

UNITED STATES AIR FORCE

Abercrombie, Aaron R. 1st Lt. 2514 N. 36th Ave. Birmingham
Jefferson KIA

Grider, Jack T. Lt. Birmingham Jefferson DNB

Harbour, Earl H. Capt. 1810 N. 33rd Ave., Birmingham
Jefferson KIA

Madison, Garland E. Capt. 2603 E. Broad St., Gadsden
Etowah KIA

Miller, Frank E. Jr. Capt. 3644 Southmont Dr., Montgomery
KIA

Nevins, Guy H. III 1st Lt. 7B Prado, Montgomery KIA

Pugh, William A. 1st Lt. 503 4th Ct., West, Birmingham
Jefferson KIA

Root, Voorhees S., Jr. Staff Sgt. 802 Pratt Ave., Huntsville
Madison KIA

Rushing, Harry Eugene 2nd Lt. 1243 Augusta Street,
Montgomery KIA

Saize, Floyd W. Capt. 3025 Prince Ave., Birmingham Jefferson
KIA

ALABAMIANS UNACCOUNTED FOR BY THE
COMMUNISTS IN THE
KOREAN CONFLICT
UNITED STATES AIR FORCE

Brown, Wallace L. 1st Lt. Rt. 1, Banks Pike PD

Evans, Emmett O. 1st Lt. 104 19th St., S. E., Fort Payne
DeKalb PD

Gross, Robert F. Master Sgt. General Delivery, Sawyerville
Hale PD

Hoit, Zane M. Major 3558 Wareingwood Drive, Montgomery PD

Reid, Elbert J., Jr., Staff Sgt. 925 4th Ct. W., Birmingham Jefferson PD

Sutherland, John E. 1st Lt. P. O. Box 342, Lapine Montgomery PD

UNITED STATES MARINE CORPS

King, William A. PFC 2629 19th Place, S., Birmingham Jefferson PD

Morrow, Billy J. PFC Rt. 2, Goodwater Coosa PD

UNITED STATES ARMY

Agnew, Henry P. Pvt. Rt. 1, Box 138, Newbern Hale PD

Brooks, Lloyd K. Cpl. Rt. 1, Box 598, Morris Jefferson PD

Clark, O. C., Jr. PFC Rt. 2, Andalusia Covington PD

McKinney, Julius E. Sgt. Rt. 1, Birmingham Jefferson PD

Pitts, John W. Cpl 401 Pine View St., Montgomery PD

Randall, Elgin V. Sgt. 1500 East 11th St., Anniston Calhoun PD

Thomas, Mitchell C. 1st Lt. Sylacauga Talladega PD

Vickers, Wendell Cpl Rt. 1, Birmingham Jefferson PD

Webb, Jerald C. Cpl. 18 East Petain St., Prichard Mobile PD

Willis, Charles A. Cpl. 733 29th St., S. W. Birmingham Jefferson PD

Wilson, Silas W. SFC Rt. 7, Athens Limestone PD

ALABAMIANS REPORTED BY THE KOREAN

COMMUNISTS TO HAVE DIED

UNITED STATES ARMY

Adams, Aubrey G. PFC 1322 Catherine St., Cullman PD

Allums, Morris Master Sgt. Sumiton Walker PD

Atherton, Harold J. Cpl. 104 E. Jeff Davis Ave., Montgomery PD

Brooks, John W., Jr. PFC Phil Campbell Franklin PD

Carter, James E. Cpl. Rt 1, Box 48A, Flomaton Escambia PD

Cook, Thomas H. Cpl., 1800 28th St., Tuscaloosa PD

Cork, Thomas R. Pvt. Rt. 3, Box 422, Bessemer Jefferson PD
 Enfinger, Edgar SFC Cottonwood Houston PD
 Hart, Robert H. PFC Rt. 2, Castleberry Conecuh PD
 Herrington, Robert N. Cpl. Bayou La Batre Mobile PD
 Jackson, Comer, Jr. PFC Rt. 1, Silver Hill Baldwin PD
 Jones, Odis F. PFC Rt. 1, Cottondale Tuscaloosa PD
 Kilby, Thomas E. III 1st Lt. 600 E. 11th St. Anniston Calhoun PD
 McAlpine, Johnny L. Cpl. Rt. 1, Chavles PD
 McCullers, Charles H. Cpl. 3759 Maclamar Road, Montgomery PD
 Thompkins, Reuben Master Sgt. 2424 Dawson Ave., Birmingham Jefferson PD
 Varner, Alvin L. Sgt. Rt. 4, Box 597, Sylacauga Talledega PD
 Yaw, Billy G. PFC 598 First St., Attalla Etowah PD

ALABAMIANS REPORTED BY THE KOREAN COMMUNISTS TO HAVE ESCAPED

Randall, Eligin V. Sgt. 1500 E. 11th St., Anniston Calhoun PD
 Tennille, James E. PFC 617 Parker Ave., Eufaula Barbour PD
 Willis, Charles A. PFC 2222 21st Avenue N., Birmingham Jefferson PD

U.S. CASUALTIES IN SOUTH EAST ASIA

MARINE CORPS LISTING

VS BAILEY, JOHN HOWARD E6 67MAY01 47JUL05
DOCENA

VN CARLTON, JAMES E. 03 07APR17 39JUL10 BIRMINGHAM

LA KETCHIE, SCOTT D. 02 72APR09 47AUG19 BIRMINGHAM

VS RUNNELS, GLYN LINAL JR., E4 67JUN30 46APR11
BIRMINGHAM

AIR FORCE LISTING

LA BANNON, PAUL WEDLAKE 04 69JUL12 34OCT15
HUEYTOWN

VN BENNETT, WILLIAM GEORGE 04 67SEPT02 27SEP15
BIRMINGHAM

VN CUNNINGHAM, CAREY ALLEN 03 67AUG02 38MAR18
COLLINSVILLE

VS DEICHELMANN, SAMUEL H 03 68SEP06 38SEP24
MONTGOMERY

VN HAMILTON, EUGENE D. 03 68JAN31 34DEC18
PEPPERALL

VN HARRIS CLEVELAND SCOTT 03 68FEB29 41MAY11
BIRMINGHAM

VS HUGGINS, BOBBY GENE 04 70JUN04 34DEC17 TROY

VN JOHNSON, ALLEN L. 04 72DEC28 36MAR19
TUSCUMBIA

LA LAWRENCE, GREGORY PAUL E4 68OCT05 8MAR10
PHENIX

LA PALMER, GILBERT S. 04 68FEB27 30OCT12
BIRMINGHAM

LA PHILLIPS, ELBERT AUSTIN E6 68AUG28 38MAY04
HUNTSVILLE

LA REAID, ROLLIE K E3 72DEC21 52DEC23 DORA

VN ROCKETT, ALTON C., JR. 03 67JAN02 32JAN20
BIRMINGHAM

VS YEENO, RICHARD CAROLINUS J. 03 68JUN09
38OCT11 MOBILE

NAVY LISTING

VS BURNETT, DONALD FREDERICK E8 68FEB06 35JUL06
MONTGOMERY

VN EARNEST, CHARLES M. 05 72NOV26 34OCT08
OPELIKA

CB GAUSE, BERNARD JR. E5 76MAY16 40NOV11
BIRMINGHAM

VN HOGAN, JERRY F 02 67JAN21 40FEB28 TUSCALOOSA

VS JONES, JAMES GRADEY 02 66NOV12 39AUG14
BIRMINGHAM

VN PETTIS, THOMAS EDWIN 02 67MAY23 41OCT31
MOBILE

VN WEIMORTS, ROBERT FRANKLIN 04 66APR22 34DEC23
EIGHT MILE

ARMY LISTING

VS BOBE, RAYMOND EDWARD E3 69MAR16 48AUG30
TARRANT

VS BURHAM, DONALD DAWSON 03 68FEB02 40APR20
WEBB

VS COLEMAN, JIMMY L. E3 69MAR06 49JAN20
GOODWATER

LA CREAR, WILLIS CALVIN E4 71FEB15 50JAN08
BIRMINGHAM

VS FORD, EDWARD (NMN) E5 68DEC09 41OCT06
BIRMINGHAM

VS HARGROVE, OLIN E3 67OCT17 49JAN21 BIRMINGHAM

VS HICKS, PRENTICE W. E3 69MAR25 47OCT11
HUNTSVILLE

VS JONES, JOHNNY MACK 02 72APR24 48JUL01 AUBURN

VS KIRKSEY, ROBERT LOUIS E3 66JAN01 45DEC17
MOBILE

VS PARKER, UDON (NMN) E4 66MAR13 43NOV15 PHENIX
CITY

LA ROBERTSON, JOHN HARTLEY E7 68MAY20 38OCT25
BIRMINGHAM

VS STINSON, WILLIAM SHERRIL E5 73JAN08 47JUN17
GEORGIANA

VS STOVES, MERRITT III (NMN) E3 67JAN10 48JAN10
BIRMINGHAM

VS THACKERSON, WALTER A. E3 66MAY21 44SEP06
TALLADEGA

VS THOMPSON, BENJAMIN ARTHUR E6 68OCT25
48JUL24 SARALAND

VS UPNER, EDWARD CHARLES E6 65DEC05 23NOV09
ANNISTON

CB WHITE, CHARLES E. E7 68JAN29 33MAY18
BESSEMER

VS WILLIAMS, ROBERT J. 03 72MAY11 43SEP17
DALEVILLE

VS WILLIAMS, THADDEUS EDWARD 02 66JAN09 43FEB26
MOBILE

BE IT FURTHER RESOLVED, That the Attorney General of
the State of Alabama, in filing this suit, shall demand that the

Department of Defense, the intelligence agencies, and the governments of Vietnam, Laos, Kampuchea, Russia, and China turn over all documents concerning Prisoners of War and Missing in Action in Laos, Kampuchea, and Vietnam.

RESOLVED FURTHER, That the sister states of the United States of America are urged to join in this action on behalf of their state and the citizens of their state who are being held in captivity in Southeast Asia.

RESOLVED FURTHER, That a copy of this resolution be transmitted to the Attorney General of the State of Alabama, to the United States Supreme Court, to the President of the United States, to the Speaker of the United States House of Representatives, to the President of the United States Senate, to the members of the Alabama Congressional Delegation, and to the clerks of the respective Houses and Senates of our sister states.

Approved March 21, 1994

Time: 1:45 P.M.

Act No. 94-244 S. 313 – Senators Bailey, Hill, Ellis, Underwood, Corbett, Smith (J), Floyd, Windom, Waggoner, Lindsey, Mitchell, Bolling, Langford, and Horn

AN ACT

To provide a civil cause of action against certain supervisors who take detrimental action against a classified state employee because the employee reports a violation of law or participates in a formal inquiry or court action; to provide for damages and establishes a statute of limitations.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as “The State Employees Protection Act.”

Section 2. As used in this act, the following words and phrases have the following meanings:

(1) PUBLIC BODY. All of the following:

a. A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.

b. An agency, board, commission, council, member, or employee of the legislative branch of state government.

c. A law enforcement agency, including the offices of the Attorney General and District Attorneys, or any member or employee of a law enforcement agency.

d. The judicial branch of state government and any member or employee of that branch.

(2) **STATE EMPLOYEE.** A person defined as a classified employee under Section 36-26-2, Code of Alabama 1975.

(3) **SUPERVISOR.** Any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, regard, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of the authority is not of a merely routine or clerical nature but requires the use of independent judgment.

Section 3. A supervisor shall not discharge, demote, transfer, or otherwise discriminate against a state employee regarding the state employee's compensation, terms, conditions, or privileges of employment if the state employee, reports, under oath or in the form of an affidavit, a violation of a law, a regulation, or a rule, promulgated pursuant to the laws of this state, or a political subdivision of this state, to a public body.

Section 4. (a) A state employee shall bring a civil action within two years after the occurrence of the alleged violation of this act.

(b) A civil action may be brought in Montgomery County, or in the county in which the supervisor against whom the civil complaint is filed resides.

Section 5. A court, in rendering a judgment in an action brought pursuant to this act, may order, where appropriate, payment of back wages, front wages, and compensatory damages, or any combination of these remedies.

Section 6. This act does not create a new cause of action against the State of Alabama or its agencies.

Section 7. Nothing in this act shall be construed to prevent or prohibit a supervisor from disciplining, discharging, transferring, or otherwise affecting the terms and conditions of a state employee's employment not connected with the conduct protected by this act.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 21, 1994

Time: 1:46 P.M.

Act No. 94-245

H. 30 – Rep. Campbell

AN ACT

Relating to business corporations; to provide further for the organization, admission, consolidation, merger, and dissolution of the corporations, and to provide further for the powers, authority, and duties of the corporations, and for the officers, directors, and shareholders; to repeal Sections 10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339, Code of Alabama 1975; to amend Sections 40-14-4 and 40-14-21, Code of Alabama 1975, relating to foreign corporations and Section 10-2A-300 relating to close corporations; to provide further for penalties; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. NEW CHAPTER OF TITLE 10, CODE OF ALABAMA 1975.

A new Chapter 2B of Title 10, Code of Alabama 1975, is hereby created consisting of Sections 1.01 through 17.03 of this act, to read as follows:

CHAPTER 2B. BUSINESS CORPORATIONS.

ARTICLE 1. GENERAL PROVISIONS.

**DIVISION A. SHORT TITLE, APPLICABILITY,
AND RESERVATION OF POWER.**

Section 1.01. SHORT TITLE AND APPLICABILITY.

(a) This chapter shall be known and may be cited as the "Alabama Business Corporation Act."

(b) Without in any way limiting the generality of any provision of this chapter, all of the provisions of this chapter shall apply to banks, trust companies, savings and loan associations, insurance companies, public utilities, and railroad companies, except to the extent, if any, that any provision of this chapter is inconsistent with other statutes of this state specifically applicable to such corporations.

Section 1.02. RESERVATION OF POWER TO AMEND OR REPEAL.

The Alabama Legislature has power to amend or repeal all or part of this chapter at any time, and all domestic and foreign corporations subject to this chapter are governed by the amendment or repeal.

DIVISION B. FILING DOCUMENTS.

Section 1.20. FILING REQUIREMENTS.

(a) A document must satisfy the requirements of this section and of any other section that adds to or varies these requirements, to be entitled under this chapter to filing by the Probate Judge or by the Secretary of State, as the case may be.

(b) This chapter must require or permit filing the document in the Office of the Probate Judge or the Office of the Secretary of State, as the case may be.

(c) The document must contain the information required by this chapter. It may contain other information as well.

(d) The document must be typewritten or printed.

(e) The document must be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the copy of its articles of incorporation and all amendments thereto required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

(f) The document must be executed:

(1) By the chair of the board of directors of the domestic or foreign corporation, by its president, or by another of its officers;

(2) If directors have not been selected or the corporation has not been formed, by an incorporator; or

(3) If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

(g) The person ~~executing the document~~ shall sign it and state beneath or opposite his or her signature in **English letters**, ~~his or~~ her name, and the capacity in which he or she signs. The document may but need not contain: (1) the corporate seal, (2) an attestation by the secretary or an assistant secretary, or (3) an acknowledgement, verification, or proof.

(h) If the Secretary of State has prescribed a mandatory form for the document under Section 1.21, the document must be in or on the prescribed form.

(i) The document must be delivered to the Office of the Probate Judge or the Office of the Secretary of State, as the case may be, for filing and must be accompanied by one exact or conformed copy (except as provided in Sections 5.03 and 15.09) and such additional exact or conformed copies as may be required by any of the provisions of Section 1.25, together with all fees required by this chapter or other law.

Section 1.21. FORMS.

The Secretary of State shall prescribe and furnish on request forms for: (1) an application for a certificate of existence, (2) a foreign corporation's application for a certificate of authority to transact business in this state, (3) a foreign corporation's application for a certificate of withdrawal, and (4) the annual report. If the Secretary of State so requires, use of these forms is mandatory.

Section 1.22. FILING, SERVICE, AND COPYING FEES.

(a) The Probate Judge or the Secretary of State, as the case may be, shall collect the following fees when the documents described in this subsection are delivered to him or her for filing:

DOCUMENT	FEE FOR STATE OF ALABAMA	FEE FOR PROBATE JUDGE
(1) Articles of incorporation	\$40.00	\$35.00
(2) Application for reserved name	\$10.00	No fee
(3) Notice of transfer of reserved name	\$5.00	No fee
(4) Application for registered name	\$1.00 for each Month or fraction thereof remaining in calendar year in which application is filed; \$5.00 minimum	No fee
(5) Application for renewal of registered name	\$12.00	No fee
(6) Corporation's statement of change of registered agent or registered office or both	\$5.00	No fee
(7) Agent's statement of change of registered office for each affected corporation	\$5.00	No fee
(8) Agent's statement of resignation	No fee	No fee
(9) Amendment of articles of incorporation that alter the name of a corporation	\$10.00	\$10.00

(10) Amendment of articles of incorporation other than one altering the name of a corporation	No fee	\$10.00
(11) Restatement of articles of incorporation with or without amendment of articles	\$10.00	\$25.00
(12) Articles of merger or share exchange	\$50.00	\$25.00
(13) Articles of dissolution	\$20.00	\$10.00
(14) Articles of revocation of dissolution	\$10.00	\$5.00
(15) Certificate of administrative dissolution	No fee	No fee
(16) Application for reinstatement following administrative dissolution	\$40.00	\$35.00
(17) Certificate of reinstatement	No fee	No fee
(18) Certificate of judicial dissolution	No fee	No fee
(19) Application for certificate of authority	\$175.00	No fee
(20) Application for amended certificate of authority	\$25.00	No fee
(21) Application for certificate of withdrawal	\$20.00	No fee
(22) Certificate of revocation of authority to transact business	No fee	No fee
(23) Annual report	\$10.00	No fee
(24) Articles of correction of document filed with the Probate Judge	No fee	\$10.00
(25) Articles of correction of document filed with the Secretary of State	\$10.00	No fee
(26) Application for certificate of existence or authorization	\$5.00	No fee
(27) Any other document required or permitted to be filed by this chapter	\$5.00	\$5.00

(b) When appropriate, two checks shall accompany a document delivered to the Probate Judge or the Secretary of State for filing, one payable to the Probate Judge for all charges for the Probate Judge, and one payable to the State of Alabama covering all charges for the Secretary of State. In the case of any document delivered for filing to the Probate Judge accompanied by a check for the charges for the Secretary of State, the check for the Secretary of State shall be forwarded by the Probate Judge to the Secretary of State. In the case of any document delivered for filing to the Secretary of State accompanied by a check for the Probate Judge, the check for the Probate Judge shall be forwarded by the Secretary of State to the Probate Judge.

(c) There is hereby established in the state treasury a fund to be known and designated as the Secretary of State Corporations Fund. All funds, fees, charges, costs, and collections accruing to or collected by the Office of the Secretary of State under the foregoing provisions of this section or any other fees collected by the Secretary of State relating to corporations shall be deposited into the state treasury to the credit of the Secretary of State Corporations Fund except as so provided in subsection (e).

(d) All funds now or hereafter deposited in the state treasury to the credit of the Secretary of State Corporations Fund shall not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill or this section.

(e) Seventy percent of funds collected by the Secretary of State in relation to corporations during the fiscal year shall be deposited to the credit of the State General Fund.

(f) The fees herein imposed for the Office of the Probate Judge shall be charged and paid into the appropriate county treasury or to the probate judge as may be authorized or required by law.

(g) The Secretary of State shall collect a fee each time process is served on him or her under this chapter in an amount prescribed by law or rule of court. The party to a proceeding causing service of process is entitled to recover this fee as costs if he or she prevails in the proceeding.

(h) The Secretary of State shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- (1) One dollar (\$1) a page for copying; and
- (2) Five dollars (\$5) for the certificate.

(i) The Probate Judge shall collect the following fees for copying and certifying the copy of any filed document relating to a corporation:

(1) One dollar and fifty cents (\$1.50) a page for copying; and

(2) One dollar and fifty cents (\$1.50) for the certificate.

(j) For corporations created by an act of the Legislature prior to the adoption of the Constitution of 1901 or which resulted from a merger or consolidation, all documents required by this chapter to be delivered to the Probate Judge for filing shall be delivered to the Secretary of State for filing, all certificates required to be issued by the Probate Judge shall be issued by the Secretary of State, and all fees with respect to such filings and issuance of certificates shall be paid to the Secretary of State for the State of Alabama.

(k) For requests of immediate expedition by the Secretary of State regarding document filings, certifications, and certificates in addition to required fees, a ten dollar (\$10) surcharge shall be imposed.

Section 1.23. EFFECTIVE TIME AND DATE OF DOCUMENT.

(a) Except as provided in subsection (b) and Section 1.24(c), a document accepted for filing is effective:

(1) At the time of filing on the date it is filed, as evidenced by the Probate Judge's or the Secretary of State's date and time endorsement on the original document; or

(2) ~~At the time~~ At the time specified in the document as its effective time on the date it is filed.

(b) A document may specify a delayed effective time and date, and if it does so the document becomes effective at the time and date specified. If a delayed effective date but no time is specified, the document is effective at the close of business on that date. A delayed effective date for a document must not be later than the 90th day after the date it is filed.

Section 1.24. CORRECTING FILED DOCUMENT.

(a) A domestic or foreign corporation may correct a document filed by the Probate Judge or the Secretary of State if the document (1) contains, through accident or inadvertence, clerical or otherwise, an incorrect statement or (2) was defectively executed, attested, sealed, verified, or acknowledged, without refileing the entire document or submitting formal articles of amendment.

(b) A document is corrected:

(1) By preparing articles of correction that (i) describe the document (including its filing date) or attach a copy of it to the articles, (ii) specify the incorrect statement and the reason it is incorrect or the manner in which the execution was defective, and (iii) correct the incorrect statement or defective execution; and

(2) By delivering the articles to the Probate Judge or the Secretary of State, as the case may be, for filing.

(c) Articles of correction are effective on the effective date of the document they correct except as to persons relying on the uncorrected document and adversely affected by the correction. As to those persons, articles of correction are effective when filed.

Section 1.25. PLACE OF FILING AND FILING DUTIES OF PROBATE JUDGE AND SECRETARY OF STATE.

(a) The following documents shall be delivered to the Office of the Probate Judge for filing:

- (1) Articles of incorporation,
- (2) Articles of amendment of articles of corporation,
- (3) Restated articles of incorporation,
- (4) Articles of dissolution,
- (5) Articles of revocation of dissolution,

(6) Any other document required or permitted to be filed under this chapter and not expressly required to be delivered to the Office of the Secretary of State or Probate Judge for filing, and

(7) Articles of correction of any document required or permitted to be delivered to the Office of the Probate Judge for filing.

(b) Any of the following documents delivered to the Office of the Probate Judge for filing shall be accompanied by an additional exact or conformed copy to permit the Probate Judge to transmit to the Secretary of State a certified copy thereof as required by subsection (g) of this section:

- (1) Articles of incorporation,
- (2) Articles of amendment that alter the name of any corporation,
- (3) Restated articles of incorporation,
- (4) Articles of dissolution,
- (5) Articles of revocation of dissolution, and
- (6) Articles of correction correcting any of the foregoing documents.

(c) The following documents shall be delivered to the Office of the Secretary of State for filing:

(1) Articles of merger or share exchange,

(2) Application of a foreign corporation for certificate of authority to transact business in this state,

(3) The annual report (which may be made as provided in Section 16.22 by filing with the Department of Revenue the public record information pursuant to Sections 40-14-21 and 40-14-22, together with the prescribed fee for the annual report),

(4) For corporations created by an act of the Legislature prior to the adoption of the Constitution of 1901 or which have resulted from a merger or consolidation, all documents required by this chapter to be delivered to the Probate Judge for filing shall be delivered to the Secretary of State for filing,

(5) Any other document required or permitted under this chapter to be delivered to the Secretary of State for filing,

(6) Articles of correction of any document required or permitted to be delivered to the Office of the Secretary of State for filing.

(d) Articles of merger or share exchange delivered to the Office of the Secretary of State for filing shall be accompanied by such additional number of exact or conformed copies of such articles as may be required for purposes of subsection (g) hereof.

(e) If a document delivered for filing to the Office of the Probate Judge or the Office of the Secretary of State, as the case may be, satisfies the requirements of Section 1.20 and of this section, and if, in the case of the filing with the Probate Judge of articles of incorporation or articles of amendment that change the name of the corporation, the Probate Judge finds that the name of the proposed corporation or proposed changed name has been reserved under Section 4.02, the Probate Judge or Secretary of State, as the case may be, shall file it immediately upon delivery.

(f) The Probate Judge or Secretary of State, as the case may be, files a document by stamping or otherwise endorsing "Filed," together with his or her name and official title and the date and time of receipt, on both the original and the document copy and on the receipt for the filing fee. Immediately after filing a document, except as provided in Sections 5.03 and 15.10, the Probate Judge or Secretary of State shall deliver the document copy, with the filing fee receipt (or acknowledgment of receipt if no fee is required) attached, to the domestic or foreign corporation or its representative.

(g) In the case of any of the documents described in subsection (b) above, the Probate Judge shall within 10 days transmit a

certified copy of such document to the Office of the Secretary of State. In the case of articles of merger or share exchange, the Secretary of State shall promptly transmit a certified copy of the articles of merger or share exchange to the office of the probate judge of the county in which each of the corporations' articles of incorporation are filed or, in the case of corporations existing on January 1, 1981, the corporation's certificate of incorporation was filed, there to be recorded in a book to be kept for that purpose.

(h) If the Probate Judge or Secretary of State, as the case may be, refuses to file a document, he or she shall return it to the domestic or foreign corporation or its representative within seven days after the document was delivered, together with a brief, written explanation of the reason for his or her refusal.

(i) The Probate Judge's or Secretary of State's duty to file documents under this section is ministerial. His or her filing or refusing to file a document does not:

(1) Affect the validity or invalidity of the document in whole or part;

(2) Relate to the correctness or incorrectness of information contained in the document;

(3) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

(j) The Secretary of State shall keep an alphabetical list of domestic and foreign corporations, whose statements of incorporation, certificates or articles of incorporation, or applications for certificate of authority are filed in his or her office, together with the data contained in said documents.

Section 1.26. APPEAL FROM PROBATE JUDGE'S OR SECRETARY OF STATE'S REFUSAL TO FILE DOCUMENT.

(a) If the Probate Judge or the Secretary of State refuses to file a document delivered to his or her office for filing, the domestic or foreign corporation may within 120 days of the return of the document to it appeal the refusal to the circuit court of the county in which the officer refusing to file the document has his or her office. The appeal is commenced by petitioning the court to compel filing the document and by attaching to the petition the document and the Probate Judge's or Secretary of State's explanation of his or her refusal to file.

(b) The court may summarily order the Probate Judge or Secretary of State to file the document, may order a trial de novo, or take other action the court considers appropriate.

(c) The court's final decision may be appealed as in other civil proceedings.

Section 1.27. EVIDENTIARY EFFECT OF COPY OF FILED DOCUMENT.

A certificate attached to a copy of a document filed by the Probate Judge or Secretary of State, bearing his or her signature (which may be in facsimile) and, in the case of the Secretary of State, the Seal of this State, certifying that the original is on file with his or her office, is conclusive evidence that the original document is on file with the Probate Judge or the Secretary of State, as the case may be.

Section 1.28. CERTIFICATE OF EXISTENCE.

(a) Anyone may apply to the Secretary of State to furnish a certificate of existence for a domestic corporation or a certificate of authorization for a foreign corporation.

(b) A certificate of existence or authorization sets forth:

(1) The domestic corporation's corporate name or the foreign corporation's corporate name used in this state;

(2) That (i) the domestic corporation is duly incorporated under the law of this state, the county in which the articles of incorporation are filed in the office of probate judge, the date of its incorporation, and the period of its duration if less than perpetual; or (ii) that the foreign corporation is authorized to transact business in this state;

(3) That its most recent annual report required by Section 16.22 has been delivered to the Secretary of State;

(4) That the records of the Secretary of State do not disclose that articles of dissolution have been filed; and

(5) Other facts of record in the Office of the Secretary of State that may be requested by the applicant.

(c) Subject to any qualification stated in the certificate, a certificate of existence or authorization issued by the Secretary of State may be relied upon as conclusive evidence that the domestic or foreign corporation is in existence or is authorized to transact business in this state.

Section 1.29. PENALTY FOR SIGNING FALSE DOCUMENT.

(a) A person commits an offense if he or she signs a document he or she knows is false in any material respect with the intent that the document be delivered to the Secretary of State or Probate Judge for filing.

(b) An offense under this section is a Class C misdemeanor under the Alabama Criminal Code.

DIVISION C. PROBATE JUDGE AND SECRETARY OF STATE.

Section 1.30. POWERS OF PROBATE JUDGE AND SECRETARY OF STATE.

Each Probate Judge and the Secretary of State shall have the powers reasonably necessary to perform the duties required of him or her by this chapter.

DIVISION D. DEFINITIONS.

Section 1.40. DEFINITIONS.

In this Subdivision D of this article:

(1) "Articles of incorporation" include amended and restated articles of incorporation and, in the case of a corporation existing on January 1, 1981, its certificate of incorporation, including any amended certificate, and also include, except where the context otherwise requires, articles of merger.

(2) "Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

(3) "Conspicuous" means so written that a reasonable person against whom the writing is to operate should have noticed it. For example, printing in italics or boldface or contrasting color, or typing in capitals or underlined, is conspicuous.

(4) "Corporation" or "domestic corporation" means a corporation for profit, which is not a foreign corporation, incorporated under or subject to the provisions of this chapter.

(5) "Day" when used in the computation of time under this chapter excludes the first day and includes the last day of the period so computed, unless the last day is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of time to be computed is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall be excluded.

(6) "Deliver" includes mail.

(7) "Distribution" means a direct or indirect transfer of money or other property (except its own shares) or incurrence of indebtedness by a corporation to or for the benefit of any one or more of its shareholders in respect of any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness; or otherwise.

(8) "Effective date of notice" is defined in Section 1.41.

(9) "Employee" includes an officer but not a director. A director may accept duties that make him or her also an employee.

(10) "Entity" includes corporation and foreign corporation; not-for-profit corporation; profit and not-for-profit unincorporated association; business trust, estate, partnership, trust, and two or more persons having a joint or common economic interest; and state, United States, and foreign government.

(11) "Foreign corporation" means a corporation for profit incorporated under a law other than the law of this state.

(12) "Governmental subdivision" includes authority, county, district, and municipality.

(13) "Includes" denotes a partial definition.

(14) "Individual" includes the estate of an incompetent or deceased individual.

(15) "Means" denotes an exhaustive definition.

(16) "Notice" is defined in Section 1.41.

(17) "Person" includes individual and entity.

(18) "Principal office" means the office (in or out of this state) so designated in the annual report where the principal executive offices of a domestic or foreign corporation are located.

(19) "Probate Judge" means the probate judge of the county in which the corporation's articles of incorporation are filed or, in the case of a corporation existing on January 1, 1981, the corporation's **certificate of incorporation, was filed, unless otherwise provided in this chapter.**

(20) "Proceeding" includes civil suit and criminal, administrative, and investigatory action.

(21) "Record date" means the date established under Article 6 or 7 on which a corporation determines the identity of its shareholders and their shareholdings for purposes of this chapter. The determination shall be made as of the close of business on the record date unless another time for doing so is specified when the record date is fixed.

(22) "Secretary" means the corporate officer to whom the board of directors has delegated responsibility under Section 8.40(c) for custody of the minutes of the meetings of the board of directors and of the shareholders and for authenticating records of the corporation.

(23) "Shares" means the units into which the proprietary interests in a corporation are divided.

(24) "Shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(25) "State," when referring to a part of the United States, includes a state and commonwealth (and their agencies and governmental subdivisions) and a territory and insular possession (and their agencies and governmental subdivisions) of the United States.

(26) "Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

(27) "Treasury shares" means shares of a corporation that have been issued, have been subsequently acquired by and belong to the corporation, and have not been canceled or restored to the status of authorized but unissued shares. Treasury shares shall be deemed to be "issued" shares, but not "outstanding" shares.

(28) "United States" includes district, authority, bureau, commission, department, and any other agency of the United States.

(29) "Voting group" means all shares of one or more classes or series that under the articles of incorporation or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group.

Section 1.41. NOTICE.

(a) Notice under this chapter must be in writing when written notice is required under this chapter or by the corporation's articles of incorporation or bylaws, and in other cases unless oral notice is reasonable under the circumstances.

(b) Except to the extent limited in the articles of incorporation or bylaws, notice may be communicated in person; by telephone, telegraph, teletype, telecopier, facsimile transmission, or other form of wire or wireless communication; or by mail or private carrier. If these forms of personal notice are impracticable, notice may be communicated by a newspaper of general circulation in the area where published; or by radio, television, or other form of public broadcast communication.

(c) Written notice by a domestic or foreign corporation to its shareholder, if in a comprehensible form, is effective when mailed, if mailed postpaid and correctly addressed to the shareholder's address shown in the corporation's current record of shareholders.

(d) Written notice to a domestic or foreign corporation (authorized to transact business in this state) may be addressed to its registered agent at its registered office or to the corporation or its secretary at its principal office shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its application for a certificate of authority.

(e) Except as provided in subsection (c), written notice, if in a comprehensible form, is effective at the earliest of the following:

(1) When received;

(2) Five days after its deposit in the United States mail, as evidenced by the postmark, if mailed postpaid and correctly addressed; or

(3) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

(f) Oral notice is effective when communicated if communicated in a comprehensible manner.

(g) If this chapter prescribes notice requirements for particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this chapter, those requirements govern.

ARTICLE 2. INCORPORATION.

Section 2.01. INCORPORATORS.

One or more persons may act as the incorporator or incorporators of a corporation by signing and delivering articles of incorporation to the probate judge of the county in which the corporation is to have its initial registered office for filing.

Section 2.02. ARTICLES OF INCORPORATION.

(a) The articles of incorporation must set forth:

(1) A corporate name for the corporation that satisfies the requirements of Section 4.01;

(2) The number of shares the corporation is authorized to issue;

(3) The street address of the corporation's initial registered office and the name of its initial registered agent at that office;

(4) The name and address of each incorporator;

(5) The names and addresses of the individuals who are to serve as the initial directors; and

(6) The purpose or purposes for which the corporation is organized, which may be stated to be or to include the transaction of any or all lawful business for which corporations may be incorporated under this chapter.

(b) The articles of incorporation may set forth:

(1) Provisions not inconsistent with law regarding:

(i) Reservation to the shareholders of the right to adopt the initial bylaws of the corporation;

(ii) Managing the business and regulating the affairs of the corporation;

(iii) Defining, limiting, and regulating the powers of the corporation, its board of directors, and shareholders; or

(iv) A par value for authorized shares or classes of shares;

(2) Any provision that under this chapter is required or permitted to be set forth in the bylaws; and

(3) A provision eliminating or limiting the liability of a director to the corporation or its shareholders for money damages for any action taken, or any failure to take any action, as a director, except liability for (A) the amount of a financial benefit received by a director to which he or she is not entitled; (B) an intentional infliction of harm on the corporation or the shareholders; (C) a violation of Section 8.33; (D) an intentional violation of criminal law; or (E) a breach of the director's duty of loyalty to the corporation or its shareholders.

(c) The articles of incorporation need not set forth any of the corporate powers enumerated in this chapter.

Section 2.03. INCORPORATION.

(a) Unless a delayed effective date is specified, the corporate existence begins when the articles of incorporation are filed.

(b) The Probate Judge's filing of the articles of incorporation is conclusive proof that the incorporators satisfied all conditions precedent to incorporation except in a proceeding by the state to cancel or revoke the incorporation or involuntarily dissolve the corporation.

Section 2.04. LIABILITY FOR PREINCORPORATION TRANSACTION.

Any person purporting to act as or on behalf of a corporation, knowing there was no incorporation under this chapter, is liable for all liabilities created by so acting.

Section 2.05. ORGANIZATION OF CORPORATION.

(a) After incorporation the initial directors shall hold an organizational meeting, at the call of a majority of the directors, to complete the organization of the corporation by appointing officers, adopting bylaws (unless the power to adopt initial bylaws has been reserved to the shareholders in the articles of incorporation), and carrying on any other business brought before the meeting.

(b) An organization meeting may be held in or out of this state.

Section 2.06. BYLAWS.

(a) The board of directors of a corporation shall adopt initial bylaws for the corporation unless the right to adopt the initial bylaws is reserved to the shareholders in the articles of incorporation.

(b) The bylaws of a corporation may contain any provision for managing the business and regulating the affairs of the corporation that is not inconsistent with law or the articles of incorporation.

Section 2.07. EMERGENCY BYLAWS.

(a) Unless the articles of incorporation provide otherwise, the board of directors of a corporation may adopt bylaws to be effective only in an emergency defined in subsection (d). The emergency bylaws, which are subject to amendment or repeal by the shareholders, may make all provisions necessary for managing the corporation during the emergency, including:

- (1) Procedures for calling a meeting of the board of directors;
- (2) Quorum requirements for the meeting; and
- (3) Designation of additional or substitute directors.

(b) All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency. The emergency bylaws are not effective after the emergency ends.

(c) Corporate action taken in good faith in accordance with emergency bylaws:

- (1) Binds the corporation; and

(2) May not be used to impose liability on a corporate director, officer, employee, or agent.

(d) An emergency exists for purposes of this section if a quorum of the corporation's directors cannot readily be assembled because of some catastrophic event.

Section 2.08. INCORPORATION BY PURCHASERS OF PROPERTY OR FRANCHISE OF CORPORATION.

The purchaser or purchasers at any sale, public or private, of the property or franchises of any corporation, if not a corporation

authorized by the laws of this state to purchase and hold the property of such corporation, may, within 30 days after such sale and conveyance, become incorporated under this chapter and such purchaser or purchasers may associate with himself or herself or themselves the requisite number of other persons to become incorporated. Upon the organization of such corporation and the conveyance to it of the property and franchises of such corporation by such purchaser or purchasers, such corporation shall become, and be entitled to, and shall have, hold and enjoy, all such property rights and franchises.

ARTICLE 3. PURPOSES AND POWERS.

Section 3.01. PURPOSES.

Corporations may be organized under this chapter for any lawful purpose or purposes.

Section 3.02. GENERAL POWERS.

Unless its articles of incorporation provide otherwise, every corporation has perpetual duration and succession in its corporate name and has the same powers as an individual to do all things necessary or convenient to carry out its business and affairs, including without limitation power:

(1) To sue and be sued, complain and defend in its corporate name;

(2) To have a corporate seal, which may be altered at will, and to use it, or a facsimile of it, by impressing or affixing it or in any manner reproducing it;

(3) To make and amend bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for managing the business and regulating the affairs of the corporation;

(4) To purchase, receive, lease, or otherwise acquire, and own, hold, improve, use, and otherwise deal with, real or personal property, or any legal or equitable interest in property, wherever located;

(5) To sell, convey, mortgage, pledge, lease, exchange, and otherwise dispose of all or any part of its property;

(6) To purchase, receive, subscribe for, or otherwise acquire; own, hold, vote, use, sell, mortgage, lend, pledge, or otherwise dispose of; and deal in and with shares or other interests in, or obligations of, any other entity;

(7) To make contracts, including guarantee and suretyship contracts and indemnity agreements, incur liabilities, borrow

money, issue its notes, bonds, and other obligations (which may be convertible into or include the option to purchase other securities of the corporation), secure any of its obligations (or the obligations of others for whom it can make guarantees, whether or not a guarantee is made) by mortgage or pledge of or creation of security interests in any of its property, franchises, or income, and, without limiting the generality of the foregoing:

a. Make contracts of guarantee and suretyship and indemnity agreements that are necessary or convenient to the conduct, promotion or attainment of the business of the contracting corporation, and

b. Make contracts of guarantee and suretyship and indemnity agreements that are necessary or convenient to the conduct, promotion or attainment of the business of

(i) An entity that is wholly owned, directly or indirectly, by the contracting corporation, or

(ii) A person that owns, directly or indirectly, all of the outstanding stock of the contracting corporation, or

(iii) An entity that is wholly owned, directly or indirectly, by a person that owns, directly or indirectly, all of the outstanding stock of the corporation;

(8) To lend money, invest and reinvest its funds, and receive and hold real and personal property as security for repayment;

(9) To be a promoter, incorporator, partner, member, trustee, associate, or manager of any domestic or foreign corporation, partnership, joint venture, trust, or other entity;

(10) To conduct its business, locate offices, and exercise the powers granted by this chapter within or without this state;

(11) To elect directors and appoint officers, employees, and agents of the corporations, define their duties, fix their compensation, and lend them money and credit;

(12) To pay pensions and establish pension plans, pension trusts, profit sharing plans, share bonus plans, share option plans, or other welfare, benefit or incentive plans for any or all of its current, future, or former directors, officers, employees, and agents;

(13) To make donations for the public welfare or for charitable, scientific, or educational purposes;

(14) To transact any lawful business that will aid governmental policy;

(15) To make payments or donations, or do any other act, not inconsistent with law, that furthers the business and affairs of the corporation.

Section 3.03. EMERGENCY POWERS.

(a) In anticipation of or during an emergency defined in subsection (d), the board of directors of a corporation may:

(1) Modify lines of succession to accommodate the incapacity of any director, officer, employee, or agent; and

(2) Relocate the principal office, designate alternative principal offices or regional offices, or authorize the officers to do so.

(b) During an emergency defined in subsection (d), unless emergency bylaws provide otherwise:

(1) Notice of a meeting of the board of directors need be given only to those directors whom it is practicable to reach and may be given in any practical manner, including by publication and radio; and

(2) One or more officers of the corporation present at a meeting of the board of directors may be deemed to be directors for the meeting in order of rank and within the same rank in order of seniority, as necessary to achieve a quorum.

(c) Corporate action taken in good faith during an emergency under this section to further the ordinary business affairs of the corporation:

(1) Binds the corporation; and

(2) May not be used to impose liability on a corporate director, officer, employee, or agent.

(d) An emergency exists for purposes of this section if a quorum of the corporation's directors cannot readily be assembled because of some catastrophic event.

Section 3.04. ULTRA VIRES.

(a) Except as provided in subsection (b), the validity of corporate action may not be challenged on the ground that the corporation lacks or lacked power to act.

(b) A corporation's power to act may be challenged:

(1) In a proceeding by a shareholder against the corporation to enjoin the act;

(2) In a proceeding by the corporation, directly, derivatively, or through a receiver, trustee, or other legal representative, against an incumbent or former director, officer, employee, or agent of the corporation; or

(3) In a proceeding by the Attorney General under Section 14.30.

(c) In a shareholder's proceeding under subsection (b)(1) to enjoin an unauthorized corporate act, the court may enjoin or set aside the act, if equitable and if all affected persons are parties to the proceeding, and may award damages for loss (other than anticipated profits) suffered by the corporation or another party because of enjoining the unauthorized act.

ARTICLE 4. NAME.

Section 4.01. CORPORATE NAME.

(a) A corporate name:

(1) Must contain, in the case of any corporation organized after January 1, 1981, or any other corporation that amends its articles of incorporation to change its name, the word "corporation," or "incorporated," or an abbreviation of one of such words, or if a banking corporation the words "bank," "banking," or "bankers"; and

(2) May not contain, in the case of any corporation organized after January 1, 1981, or any other corporation that amends its articles of incorporation to change its name, language stating or implying that the corporation is organized for a purpose other than that permitted by its articles of incorporation.

(b) Except as authorized by subsections (c) and (d), a corporate name shall not be the same as, or deceptively similar to:

(1) The corporate name of a corporation incorporated or authorized to transact business in this state;

(2) A corporate name reserved or registered under Section 4.02 or 4.03; or

(3) The fictitious name adopted by a foreign corporation authorized to transact business in this state because its real name is unavailable.

(c) A corporation may apply to the Secretary of State for authorization to use a name that is the same as, or deceptively similar to a name described in subsection (b). The Secretary of State shall authorize use of the name applied for if:

(1) The other corporation consents to the use in writing and submits an undertaking in form satisfactory to the Secretary of State to change its name to a name that is not the same as or deceptively similar to the name of the applying corporation; or

(2) The applicant delivers to the Secretary of State a certified copy of the final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(d) A corporation may use the name (including the fictitious name) of another domestic or foreign corporation that is used in this state if the other corporation is incorporated or authorized to transact business in this state and the proposed user corporation:

- (1) Has merged with the other corporation;
 - (2) Has been formed by reorganization of the other corporation; or
 - (3) Has acquired all or substantially all of the assets, including the corporate name, of the other corporation.
- (e) This chapter does not control the use of fictitious names.

Section 4.02. RESERVED NAME.

(a) A person may reserve the exclusive use of a corporate name, including a fictitious name for a foreign corporation whose corporate name is not available, by delivering an application to the Secretary of State for filing. The application must set forth the name and address of the applicant and the name proposed to be reserved. The name may also be reserved by telephone or other electronic means, subject to such requirements as the Secretary of State may establish for reservation of corporate names by such means. If the Secretary of State finds that the corporate name applied for is available, he or she shall reserve the name for the applicant's exclusive use for a 120-day period.

(b) The owner of a reserved corporate name may transfer the reservation to another person by delivering to the Secretary of State a signed notice of the transfer that states the name and address of the transferee.

Section 4.03. REGISTERED NAME.

(a) A foreign corporation may register its corporate name, or its corporate name with any addition required by Section 15.06, if the name is not the same as or deceptively similar to any corporate names that are not available under Section 4.01(b).

(b) A foreign corporation registers its corporate name, or its corporate name with any addition required by

Section 15.06, by delivering to the Secretary of State for filing an application:

(1) Setting forth its corporate name, or its corporate name with any addition required by Section 15.06, the state or the country and date of its incorporation, and a brief description of the nature of the business in which it is engaged; and

(2) Accompanied by a certificate of existence (or document of similar import) from the state or country of incorporation.

(c) The name is registered for the applicant's exclusive use upon the effective date of the application.

(d) A foreign corporation whose registration is effective may renew it for successive years by delivering to the Secretary of State for filing a renewal application, which complies with the requirements of subsection (b), between October 1 and December 31 of the preceding year. The renewal application when filed renews the registration for the following calendar year.

(e) A foreign corporation whose registration is effective may thereafter qualify as a foreign corporation under the registered name or consent in writing to the use of that name by a corporation thereafter incorporated under this chapter or by another foreign corporation thereafter authorized to transact business in this state. The registration terminates when the domestic corporation is incorporated or the foreign corporation qualifies or consents to the qualification of another foreign corporation under the registered name.

ARTICLE 5. OFFICE AND AGENT.

Section 5.01. REGISTERED OFFICE AND REGISTERED AGENT.

Each corporation must continuously maintain in this state:

(1) A registered office that may be the same as any of its places of business; and

(2) A registered agent, who may be:

(i) An individual who resides in this state and whose business office is identical with the registered office;

(ii) A domestic corporation or nonprofit domestic corporation whose business office is identical with the registered office; or

(iii) A foreign corporation authorized to transact business in this state or nonprofit foreign corporation authorized to conduct affairs in this state whose business office is identical with the registered office.

Section 5.02. CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT.

(a) A corporation may change its registered office or registered agent by delivering to the Secretary of State for filing a statement of change that sets forth:

(1) The name of the corporation;

(2) The street address of its current registered office;

(3) If the current registered office is to be changed, the street address of the new registered office;

(4) The name of the current registered agent;

(5) If the current registered agent is to be changed, the name of the new registered agent and the new agent's written consent (either on the statement or attached to it) to the appointment; and

(6) That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

(b) If a registered agent changes the street address of his or her business office, he or she may change the street address of the registered office of any corporation for which he or she is registered agent by notifying the corporation in writing of the change and signing (either manually or in facsimile) and delivering to the Secretary of State for filing a statement that complies with the requirements of subsection (a) and recites that the corporation has been notified of the change.

Section 5.03. RESIGNATION OF REGISTERED AGENT.

(a) A registered agent may resign his or her agency appointment by signing and delivering to the Secretary of State for filing the signed original and two exact or conformed copies of a statement of resignation. The statement may include a statement that the registered office is also discontinued.

(b) After filing the statement the Secretary of State shall mail one copy to the registered office (if not discontinued) and the other copy to the corporation at its principal office.

(c) The agency appointment is terminated, and the registered office discontinued if so provided, on the 31st day after the date on which the statement was filed.

Section 5.04. SERVICE ON CORPORATION.

(a) A corporation's registered agent is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the corporation.

(b) If a corporation has no registered agent, or the agent cannot with reasonable diligence be served, the corporation may be served as provided by the Alabama Rules of Civil Procedure.

(c) This section does not prescribe the only means, or necessarily the required means, of serving a corporation.

ARTICLE 6. SHARES AND DISTRIBUTIONS.

DIVISION A. SHARES.

Section 6.01. AUTHORIZED SHARES.

(a) The articles of incorporation must prescribe the classes of shares and the number of shares of each class that the corporation is authorized to issue. If more than one class of shares is authorized, the articles of incorporation must prescribe a distinguishing designation for each class, and, prior to the issuance of shares of a class, the preferences, limitations, and relative rights of that class must be described in the articles of incorporation. All shares of a class must have preferences, limitations, and relative rights identical with those of other shares of the same class except to the extent otherwise permitted by Section 6.02.

(b) The articles of incorporation must authorize (1) one or more classes of shares that together have unlimited voting rights, and (2) one or more classes of shares (which may be the same class or classes as those with voting rights) that together are entitled to receive the net assets of the corporation upon dissolution.

(c) The articles of incorporation may authorize one or more classes of shares that:

(1) Have special, conditional, or limited voting rights, or no right to vote, except to the extent prohibited by this chapter or other law;

(2) Are redeemable or convertible as specified in the articles of incorporation (i) at the option of the corporation, the shareholder, or another person or upon the occurrence of a designated event; (ii) for cash, indebtedness, securities, or other property; (iii) in a designated amount or in an amount determined in accordance with a designated formula or by reference to extrinsic data or events;

(3) Entitle the holders to distributions calculated in any manner, including dividends that may be cumulative, noncumulative, or partially cumulative;

(4) Have preference over any other class of shares with respect to distributions whether upon the dissolution of the corporation or otherwise.

(d) The description of the designations, preferences, limitations, and relative rights of share classes in subsection (c) is not exhaustive.

Section 6.02. TERMS OF CLASS OR SERIES DETERMINED BY BOARD OF DIRECTORS.

(a) If the articles of incorporation so provide, and if such action is not inconsistent with the provisions of the Constitution of Alabama, as the same may be amended from time to time, the board of directors may determine, in whole or in part, the preferences, limitations, and relative rights (within the limits set forth in Section 6.01) of (1) any class of shares before the issuance of any

shares of that class or (2) one or more series within a class before the issuance of any shares of that series.

(b) Each series of a class must be given a distinguishing designation.

(c) All shares of a series must have preferences, limitations, and relative rights identical with those of other shares of the same series, and except to the extent otherwise provided in the description of that series, with those of other series of the same class.

(d) Before issuing any shares of a class or series created under this section, the corporation must deliver to the Probate Judge for filing articles of amendment which, except as required by the Constitution of Alabama as the same may be amended from time to time, are effective without shareholder approval and constitute an amendment to the articles of incorporation. Such articles shall set forth:

- (1) The name of the corporation;
- (2) The text of the amendment determining the terms of the class or series of shares;
- (3) The date it was adopted; and
- (4) A statement that the amendment was duly adopted by the board of directors.

Section 6.03. ISSUED AND OUTSTANDING SHARES.

(a) A corporation may issue the number of shares of each class or series authorized by the articles of incorporation. Shares that are issued are outstanding shares until they are reacquired, redeemed, converted, or canceled.

(b) The reacquisition, redemption, or conversion of outstanding shares is subject to the limitations of subsection (c) of this section and to Section 6.40.

(c) At all times that shares of the corporation are outstanding, one or more shares that together have unlimited voting rights and one or more shares that together are entitled to receive the net assets of the corporation upon dissolution must be outstanding.

Section 6.04. FRACTIONAL SHARES.

(a) A corporation may:

- (1) Issue fractions of a share or pay in money the value of fractions of a share;
- (2) Arrange for disposition of fractional shares by the shareholders;

(3) Issue scrip in registered or bearer form entitling the holder to receive a full share upon surrendering enough scrip to equal a full share.

(b) Each certificate representing scrip must be conspicuously labeled "scrip" and must contain the information required by Section 6.25(b).

(c) The holder of a fractional share is entitled to exercise the rights of a shareholder, including the right to vote, to receive dividends, and to participate in the assets of the corporation upon liquidation. The holder of scrip is not entitled to any of these rights unless the scrip provides for them.

(d) The board of directors may authorize the issuance of scrip subject to any condition considered desirable, including:

(1) That the scrip will become void if not exchanged for full shares before a specified date; and

(2) That the shares for which the scrip is exchangeable may be sold and the proceeds paid to the scripholders.

DIVISION B. ISSUANCE OF SHARES.

Section 6.20. SUBSCRIPTION FOR SHARES BEFORE INCORPORATION.

(a) A subscription for shares entered into before incorporation is irrevocable for six months unless the subscription agreement provides a longer or shorter period or all the subscribers agree to revocation.

(b) The board of directors may determine the payment terms of subscriptions for shares that were entered into before incorporation, unless the subscription agreement specifies them. A call for payment by the board of directors must be uniform so far as practicable as to all shares of the same class or series, unless the subscription agreement specifies otherwise.

(c) Shares issued pursuant to subscriptions entered into before incorporation are fully paid and nonassessable when the corporation receives the consideration specified in the subscription agreement.

(d) If a subscriber defaults in payment of money or property under a subscription agreement entered into before incorporation, the corporation may collect the amount owed as any other debt. Alternatively, unless the subscription agreement provides otherwise, the corporation may terminate the agreement and may sell the shares if the debt remains unpaid more than 10 days after the corporation sends written demand for payment to the subscriber.

(e) A subscription agreement entered into after incorporation is a contract between the subscriber and the corporation subject to Section 6.21.

Section 6.21. ISSUANCE OF SHARES.

(a) The powers granted in this section to the board of directors may be reserved to the shareholders by the articles of incorporation.

(b) The board of directors may authorize shares to be issued for consideration consisting of money, labor done or property actually received.

(c) Before the corporation issues shares, the board of directors must determine that the consideration received or to be received before issuance for shares to be issued is adequate. That determination by the board of directors is conclusive insofar as the adequacy of consideration for the issuance of shares relates to whether the shares are validly issued, fully paid, and nonassessable.

(d) When the corporation receives the consideration for which the board of directors authorized the issuance of shares, the shares issued therefor are fully paid, and nonassessable.

Section 6.22. LIABILITY OF SHAREHOLDERS AND SUBSCRIBERS.

(a) A purchaser from a corporation of its own shares is not liable to the corporation or its creditors with respect to the shares except to pay the consideration for which the shares were authorized to be issued (Section 6.21) or specified in the subscription agreement (Section 6.20).

(b) Neither a subscriber nor a shareholder of a corporation is personally liable for the acts or debts of the corporation.

(c) A corporation may have a lien on the shares of its shareholders for any debt or liability incurred to it by such shareholders before notice or transfer of or levy on such shares, if the right to such a lien is provided for in the articles of incorporation and is recited conspicuously on its certificates for shares of stock.

Section 6.23. SHARE DIVIDENDS.

(a) Unless the articles of incorporation provide otherwise, shares may be issued pro rata and without consideration to the corporation's shareholders of one or more classes or series. An issuance of shares under this subsection is a share dividend.

(b) Shares of one class or series may not be issued as a share dividend in respect of shares of another class or series unless (1) the articles of incorporation so authorize, (2) a majority of the votes entitled to be cast by the class or series to be issued approve

the issue, or (3) there are no outstanding shares of the class or series to be issued.

(c) An issuance of shares under this section must also meet the requirements of the Constitution of Alabama, as the same may be amended from time to time.

(d) If the board of directors does not fix the record date for determining shareholders entitled to a share dividend, it is the date the board of directors authorizes the share dividend.

Section 6.24. SHARE OPTIONS.

Subject to requirements of the Constitution of Alabama as the same may be amended from time to time, a corporation may issue rights, options, or warrants for the purchase of shares of the corporation. The board of directors shall determine the terms upon which the rights, options, or warrants are issued, their form and content, and the consideration for which the shares are to be issued.

Section 6.25. FORM AND CONTENT OF CERTIFICATES.

(a) Shares shall be represented by certificates.

(b) At a minimum each share certificate must state on its face:

(1) The name of the issuing corporation and that it is organized under the law of this state;

(2) The name of the person to whom issued; and

(3) The number and class of shares and the designation of the series, if any, the certificate represents.

(c) If the issuing corporation is authorized to issue different ~~classes of shares or different series within a class~~, the designations, relative rights, preferences, and limitations applicable to each class and the variations in rights, preferences, and limitations determined for each series (and the authority of the board of directors to determine variations for future series) must be set forth or summarized on the front or back of each certificate. Alternatively, each certificate may state conspicuously on its front or back that the corporation will furnish the shareholders this information on request in writing and without charge.

(d) Each share certificate: (1) must be signed (either manually or in facsimile) by two officers designated in the bylaws or by the board of directors; and (2) may bear the corporate seal or its facsimile.

(e) If the person who signed (either manually or in facsimile) a share certificate no longer holds office when the certificate is issued, the certificate is nevertheless valid.

(f) Shares or interests in the stock of corporations are personal property, transferable on the books of the corporation in the manner provided by law.

(g) Abbreviations may be used in the inscribing of certificates representing shares of stock. Without limiting the use of other abbreviations, however, the following or substantially similar abbreviations may be used in the inscribing of such certificates, and shall be construed as though they were written out in full and shall be accorded the meaning ascribed herein:

Abbreviation:	Meaning:
TEN COM	As tenants in common.
JT TEN	As joint tenants with right of survivorship and not as tenants in common.
CUSTODIAN FOR, UTMA	As custodian for _____ (name of minor) under the Uniform Transfer to Minors Act.

Section 6.27. RESTRICTION ON TRANSFER OF SHARES AND OTHER SECURITIES.

(a) The articles of incorporation, bylaws, an agreement among shareholders, or an agreement between shareholders and the corporation may impose restrictions on the transfer or registration of transfer of shares of corporation. A restriction does not affect shares issued before the restriction was adopted unless the holders of the shares are parties to the restriction agreement or voted in favor of the restriction.

(b) A restriction on the transfer or registration of transfer of shares is valid and enforceable against the holder or a transferee of the holder including an executor, administrator, trustee, guardian, conservator or other fiduciary entrusted with like responsibility for the person or estate of the holder, provided the restriction is authorized by this section and its existence is noted conspicuously on the front or back of the certificate. Even if so noted, a restriction is enforceable against a person with actual knowledge of the restriction.

(c) A restriction on the transfer or registration of transfer of shares is authorized:

(1) To maintain the corporation's status when it is dependent on the number or identity of its shareholders; or

(2) To preserve exemptions under federal or state securities law; or

(3) For any other reasonable purpose.

(d) A restriction on the transfer or registration of transfer of shares may include, but shall not be limited to, a restriction that:

(1) Obligates the shareholder first to offer the corporation or other persons (separately, consecutively, or simultaneously) an opportunity to acquire the restricted shares;

(2) Obligates the corporation or other persons (separately, consecutively, or simultaneously) to acquire the restricted shares;

(3) Requires the corporation, the holders of any class of its shares, or another person to approve the transfer of the restricted shares, if the requirement is not manifestly unreasonable;

(4) Prohibits the transfer or registration of the restricted shares to or in the name of designated persons or classes of persons, if the prohibition is not manifestly unreasonable; or

(5) Requires the corporation to refuse to transfer the shares.

(e) For purposes of this section, "shares" includes a security convertible into or carrying a right to subscribe for or acquire shares.

Section 6.28. EXPENSE OF ISSUE.

A corporation may pay the expenses of selling or underwriting its shares, and of organizing or reorganizing the corporation, from the consideration received for shares.

DIVISION C. SUBSEQUENT ACQUISITION OF SHARES BY SHAREHOLDERS AND CORPORATION.

Section 6.30. SHAREHOLDERS' PREEMPTIVE RIGHTS.

(a) **The shareholders of a corporation have a preemptive right to acquire the corporation's unissued shares except to the extent the articles of incorporation otherwise provide.**

(b) The following principles govern a shareholder's preemptive rights under this section, except to the extent the articles of incorporation expressly provide otherwise:

(1) The shareholders of the corporation have a preemptive right, granted on uniform terms and conditions prescribed by the board of directors to provide a fair and reasonable opportunity to exercise the right, to acquire proportional amounts of the corporation's unissued shares upon the decision of the board of directors to issue them.

(2) A shareholder may waive his or her preemptive right. A waiver evidenced by a writing is irrevocable even though it is not supported by consideration.

(3) There is no preemptive right with respect to:

(i) Shares issued as compensation to directors, officers, agents, or employees of the corporation, its subsidiaries or affiliates;

(ii) Shares issued to satisfy conversion or option rights created to provide compensation to directors, officers, agents, or employees of the corporation, its subsidiaries or affiliates; or

(iii) Shares sold otherwise than for money.

(4) Holders of shares of any class without general voting rights but with preferential rights to distributions or assets have no preemptive rights with respect to shares of any class.

(5) Holders of shares of any class with general voting rights but without preferential rights to distributions or assets have no preemptive rights with respect to shares of any class with preferential rights to distributions or assets unless the shares with preferential rights are convertible into or carry a right to subscribe for or acquire shares without preferential rights.

(6) Shares subject to preemptive rights that are not acquired by shareholders may be issued to any person for a period of one year after being offered to shareholders at a consideration set by the board of directors that is not lower than the consideration set for the exercise of preemptive rights. An offer at a lower consideration or after the expiration of one year is subject to the shareholders' preemptive rights.

(c) For purposes of this section, "shares" include a security convertible into or carrying a right to subscribe for or acquire shares.

Section 6.31. CORPORATION'S ACQUISITION OF ITS OWN SHARES.

(a) Except as otherwise provided in its articles of incorporation, a corporation may acquire its own shares. Unless the articles of incorporation prohibit their reissuance, shares so acquired shall constitute treasury shares.

(b) If the articles of incorporation prohibit the reissuance of acquired shares, the reacquisition of such shares shall effect a cancellation of them. A statement of cancellation as to such shares shall be filed as provided in Section 6.32. The filing of a statement of cancellation with respect to such shares shall constitute an amendment to the corporation's articles of incorporation reducing the number of shares of the class of shares so canceled that the corporation is authorized to issue by the number of shares so canceled.

Section 6.32. CANCELLATION OF REACQUIRED SHARES.

(a) A corporation may at any time, by resolution of its board of directors, and without shareholder action:

(1) Cancel all or any part of the shares of the corporation reacquired by it other than shares the reissuance of which is prohibited by the articles of incorporation, and in such event a statement of cancellation shall be filed under this section; or

(2) File a statement of cancellation with respect to shares the reissuance of which is prohibited by the articles of incorporation.

(b) The statement of cancellation shall be executed by the corporation and delivered to the Probate Judge for filing. The statement shall set forth:

(1) The name of the corporation;

(2) The number of reacquired shares canceled by resolution duly adopted by the board of directors, itemized by classes and series, and the date of its adoption;

(3) The aggregate number of issued shares, itemized by classes and series, after giving effect to the cancellation;

(4) If the articles of incorporation provide that any portion of the canceled shares shall not be reissued, the number of shares which the corporation will have authority to issue itemized by classes and series, after giving effect to the cancellation; and

(c) Upon the filing of a statement of cancellation with respect to shares other than shares whose reissuance was prohibited by the articles of incorporation, the shares so canceled shall constitute authorized but unissued shares. The filing of a statement of cancellation with respect to shares the reissuance of which was prohibited by the articles of incorporation shall constitute an amendment of the articles of incorporation reducing the number of shares of the class of shares so canceled that the corporation is **authorized to issue by the number of shares so canceled.**

DIVISION D. DISTRIBUTIONS.

Section 6.40. DISTRIBUTIONS TO SHAREHOLDERS.

(a) A board of directors may authorize and the corporation may make distributions subject to restriction by the articles of incorporation and the limitation in subsection (c).

(b) If the board of directors does not fix the record date for determining shareholders entitled to a distribution (other than one involving a repurchase or reacquisition of shares), it is the date the board of directors authorizes the distribution.

(c) No distribution may be made if, after giving it effect:

(1) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(2) The corporation's total assets would be less than the sum of its total liabilities plus (unless the articles of incorporation permit otherwise) the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of shareholders whose preferential rights are superior to those receiving the distribution.

(d) The board of directors may base a determination that a distribution is not prohibited under subsection (c) either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair revaluation or other method that is reasonable in the circumstances.

(e) The effect of a distribution under subsection (c) is measured:

(1) In the case of distribution by purchase, redemption, or other acquisition of the corporation's shares, as of the earlier of (i) the date money or other property is transferred or debt incurred by the corporation or (ii) the date the shareholder ceases to be a shareholder with respect to the acquired shares;

(2) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed;

(3) In all other cases, as of (i) the date the distribution is authorized if the payment occurs within 120 days after the date of authorization or (ii) the date the payment is made if it occurs more than 120 days after the date of authorization.

(f) A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general, unsecured creditors except to the extent subordinated by agreement.

(g) Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations under subsection (c) if its terms provide that payment of principal and interest are to be made only if and to the extent that payment of a distribution could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is actually made.

ARTICLE 7. SHAREHOLDERS.

DIVISION A. MEETINGS.

Section 7.01. ANNUAL MEETING.

(a) A corporation shall hold a meeting of shareholders annually at a time stated or fixed in accordance with the bylaws.

(b) Annual shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws. If no place is stated in or fixed in accordance with the bylaws, annual meetings shall be held at the corporation's principal office.

(c) The failure to hold an annual meeting at the time stated in or fixed in accordance with a corporation's bylaws does not affect the validity of any corporate action.

Section 7.02. SPECIAL MEETING.

(a) A corporation shall hold a special meeting of shareholders:

(1) On call of its board of directors or the person or persons authorized to do so by the articles of incorporation or bylaws; or

(2) If the holders of at least 10 percent of all the votes entitled to be cast on any issue proposed to be considered at the proposed special meeting sign, date, and deliver to the corporation's president or secretary one or more written demands for the meeting describing the purpose or purposes for which it is to be held, who shall, within 21 days of the receipt of such demand, cause notice to be given of the meeting to be held within the minimum time following the notice prescribed by Section 7.05(a); or

(3) On call of the holders of at least 10 percent of the votes entitled to be cast at the proposed special meeting who signed a demand for a special meeting valid under Section 7.02(a)(2), if:

(i) Notice of the special meeting was not given within 21 days after the date the demand was delivered to the corporation's president or secretary; or

(ii) The special meeting was not held in accordance with the notice.

(b) If not otherwise fixed under Section 7.03 or 7.07, the record date for determining shareholders entitled to demand a special meeting is the date the first shareholder signs the demand.

(c) Special shareholders' meetings may be held in or out of this state at the place stated in or fixed in accordance with the bylaws. If no place is stated or fixed in accordance with the bylaws, special meetings shall be held at the corporation's principal office.

(d) Only business within the purpose or purposes described in the meeting notice required by Section 7.05(c) may be conducted at a special shareholders' meeting.

Section 7.03. COURT-ORDERED MEETING.

(a) The circuit court of the county where a corporation's principal office (or, if none in this state, its registered office) is located may summarily order a meeting to be held:

(1) On application of any shareholder of the corporation entitled to participate in an annual meeting if an annual meeting was not held within the earlier of 12 months after the end of the fiscal year or 15 months after its last annual meeting; or

(2) On application of a shareholder who signed a demand for a special meeting valid under Section 7.02, if:

(i) Notice of the special meeting was not given within 30 days after the date the demand was delivered to the corporation's president or secretary; or

(ii) The special meeting was not held in accordance with the notice.

(b) The court may fix the time and place of the meeting, determine the shares entitled to participate in the meeting, specify a record date for determining shareholders entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting (or direct that the votes represented at the meeting constitute a quorum for action on those matters), and enter other orders necessary to accomplish the purpose or purposes of the meeting.

Section 7.04. ACTION WITHOUT MEETING.

(a) Except as provided in the articles of incorporation, action required or permitted by the Constitution of Alabama or by this chapter to be taken at a shareholders' meeting may be taken without a meeting if the action is taken by all shareholders entitled to vote on the action. The action must be evidenced by one or more written consents describing the action taken, signed by all the shareholders entitled to vote on the action, and delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(b) If not otherwise fixed under Section 7.03 or 7.07, the record date for determining shareholders entitled to take action without a meeting is the date the first shareholder signs the consent under subsection (a).

(c) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

(d) If this chapter requires that notice of proposed action be given to nonvoting shareholders and the action is to be taken by unanimous consent of the voting shareholders, the corporation must give its nonvoting shareholders written notice of the proposed action at least 10 days before the action is taken. The notice must contain or be accompanied by the same material that, under

this chapter, would have been required to be sent to nonvoting shareholders in a notice of meeting at which the proposed action would have been submitted to the shareholders for action.

Section 7.05. NOTICE OF MEETING.

(a) A corporation, or, in the case of a special meeting called pursuant to Section 7.02(a)(3), the persons calling the meeting, shall notify shareholders in writing of the date, time, and place of each annual and special shareholders' meeting no fewer than 10 nor more than 60 days before the meeting date. Unless this chapter or the articles of incorporation require otherwise, the corporation, or other persons calling the meeting, are required to give notice only to shareholders entitled to vote at the meeting. Notwithstanding the provisions of this section or any other provisions of this chapter, the stock or bonded indebtedness of a corporation shall not be increased at a meeting unless notice of such meeting shall have been given as may be required by Section 234 of the Constitution of Alabama as the same may be amended from time to time.

(b) Unless this chapter or the articles of incorporation require otherwise, notice of an annual meeting need not include a statement of the purpose or purposes for which the meeting is called.

(c) Notice of a special meeting must include a statement of the purpose or purposes for which the meeting is called.

(d) If not otherwise fixed under Section 7.03 or 7.07, the record date for determining shareholders entitled to notice of and to vote at an annual or special shareholders' meeting is the day before the first notice is delivered to shareholders.

(e) Unless the bylaws require otherwise, if an annual or special shareholders' meeting is adjourned to a different date, time, or place, notice need not be given of the new date, time, or place if the new date, time, or place is announced at the meeting before adjournment. If a new record date for the adjourned meeting is or must be fixed under Section 7.07, however, notice of the adjourned meeting must be given under this section to persons who are shareholders as of the new record date.

Section 7.06. WAIVER OF NOTICE.

(a) A shareholder may waive any notice required by the Constitution of Alabama, this chapter, the articles of incorporation, or bylaws before or after the date and time stated in the notice. The waiver must be in writing, be signed by the shareholder entitled to the notice, and be delivered to the corporation for inclusion in the minutes or filing with the corporate records.

(b) A shareholder's attendance at a meeting:

(1) Waives objection to lack of notice or defective notice of the meeting, unless the shareholder at the beginning of the meeting objects to holding the meeting or transacting business at the meeting;

(2) Waives objection to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting notice, unless the shareholder objects to considering the matter before action is taken on the matter.

Section 7.07. RECORD DATE.

(a) The bylaws may fix or provide the manner of fixing the record date for one or more voting groups in order to determine the shareholders entitled to notice of a shareholders' meeting, to demand a special meeting, to vote, or to take any other action. If the bylaws do not fix or provide for fixing a record date, the board of directors of the corporation may fix a future date as the record date.

(b) A record date fixed under this section may not be more than 70 days before the meeting or action requiring a determination of shareholders.

(c) A determination of shareholders entitled to notice of or to vote at a shareholders' meeting is effective for any adjournment of the meeting unless the board of directors fixes a new record date, which it must do if the meeting is adjourned to a date more than 120 days after the date fixed for the original meeting.

(d) If a court orders a meeting adjourned to a date more than 120 days after the date fixed for the original meeting, it may provide that the original record date continues in effect or it may fix a new record date.

DIVISION B. VOTING.

Section 7.20. SHAREHOLDERS' LIST FOR MEETING.

(a) After fixing a record date for a meeting, a corporation shall prepare an alphabetical list of the names of all its shareholders who are entitled to notice of a shareholders' meeting. The list must be arranged by voting group (and within each voting group by class or series of shares) and show the address of and number of shares held by each shareholder.

(b) The shareholders' list must be available for inspection by any shareholder, beginning two business days after notice of the meeting is given for which the list was prepared and continuing through the meeting, at the corporation's principal office or, if the corporation's principal office is located outside this state, at its registered office. A shareholder, his or her agent, or attorney is entitled on written demand to inspect and, for a proper purpose, to copy the list, during regular business hours and at his or her expense, during the period it is available for inspection.

(c) The corporation shall make the shareholders' list available at the meeting, and any shareholder, his or her agent, or attorney is entitled to inspect the list at any time during the meeting or any adjournment.

(d) If the corporation refuses to allow a shareholder, his or her agent, or attorney to inspect the shareholders' list before or at the meeting (or copy the list as permitted by subsection (b)), the circuit court of the county where a corporation's principal office (or, if none in this state, its registered office) is located, on application of the shareholder, may summarily order the inspection or copying at the corporation's expense, may postpone the meeting for which the list was prepared until the inspection or copying is complete, and shall order the corporation to pay the shareholder's costs (including reasonable counsel fees) incurred in obtaining the order in the same circumstances and subject to the same defense as applicable to orders to pay costs under Section 16.04(c).

(e) Refusal or failure to prepare or make available the shareholders' list does not affect the validity of action taken at the meeting.

(f) The stock transfer records of the corporation shall be prima facie evidence as to who are the shareholders entitled to examine the shareholders' list or transfer records or to vote at any meeting of shareholders.

Section 7.21. VOTING ENTITLEMENT OF SHARES.

(a) Except as provided in subsection (b) and (c) or unless the articles of incorporation provide otherwise, each outstanding share, regardless of class, is entitled to one vote on each matter voted on at a shareholders' meeting. Only shares are entitled to vote.

(b) The shares of a corporation are not entitled to vote if they are owned, directly or indirectly, by a second corporation, domestic or foreign, and the first corporation owns, directly or indirectly, a majority of the shares entitled to vote for directors of the second corporation, unless a court of competent jurisdiction determines that the voting of such shares is not for the purpose of perpetuation of management or other improper purpose.

(c) Subsection (b) does not limit the power of a corporation to vote any shares, including its own shares, held by it in a fiduciary capacity.

(d) Redeemable shares are not entitled to vote after notice of redemption is mailed to the holders and a sum sufficient to redeem the shares has been deposited with a bank, trust company, or other financial institution under an irrevocable obligation to pay the holders the redemption price on surrender of the shares.

Section 7.22. PROXIES.

(a) A shareholder may vote his or her shares in person or by proxy.

(b) A shareholder may appoint a proxy to vote or otherwise act for him or her by signing an appointment form, either personally or by his or her attorney-in-fact.

(c) An appointment of a proxy is effective when received by the secretary or other officer or agent authorized to tabulate votes. An appointment is valid for 11 months unless a longer period is expressly provided in the appointment form.

(d) An appointment of a proxy is revocable by the shareholder unless the appointment form conspicuously states that it is irrevocable and the appointment is coupled with an interest. Appointments coupled with an interest include the appointment of:

- (1) A pledgee;
- (2) A person who purchased or agreed to purchase the shares;
- (3) A creditor of the corporation who extended it credit under terms requiring the appointment;
- (4) An employee of the corporation whose employment contract requires the appointment; or
- (5) A party to a voting agreement created under Section 7.31.

(e) The revocation of an appointment or the death or incapacity of the shareholder appointing a proxy does not affect the right of the corporation to accept the proxy's authority unless notice of the revocation, death or incapacity is received by the secretary or other officer or agent authorized to tabulate votes before the proxy exercises his or her authority under the appointment.

(f) An appointment made irrevocable under subsection (d) is revoked when the interest with which it is coupled is extinguished.

(g) A transferee for value of shares subject to an irrevocable appointment may revoke the appointment if he or she did not know of its existence when he or she acquired the shares and the existence of the irrevocable appointment was not noted conspicuously on the certificate representing the shares.

(h) Subject to Section 7.24 and to any express limitation on the proxy's authority appearing on the face of the appointment form, a corporation is entitled to accept the proxy's vote or other action as that of the shareholder making the appointment.

(i) Nothing in this section shall be construed as limiting, or extending, authority granted under a durable power of attorney as provided in Section 26-1-2.

Section 7.23. SHARES HELD BY NOMINEES.

(a) A corporation may establish a procedure by which the beneficial owner of shares that are registered in the name of a nominee is recognized by the corporation as the shareholder. The extent of this recognition may be determined in the procedure.

(b) The procedure may set forth:

(1) The types of nominees to which it applies;

(2) The rights or privileges that the corporation recognizes in a beneficial owner;

(3) The manner in which the procedure is selected by the nominee;

(4) The information that must be provided when the procedure is selected;

(5) The period for which selection of the procedure is effective; and

(6) Other aspects of the rights and duties created.

Section 7.24. CORPORATION'S ACCEPTANCE OF VOTES.

(a) If the name signed on a vote, consent, waiver, or proxy appointment corresponds to the name of a shareholder, the corporation if acting in good faith is entitled to accept the vote, consent, waiver, or proxy appointment and give it effect as the act of the shareholder.

(b) If the name signed on a vote, consent, waiver, or proxy appointment does not correspond to the name of its shareholder, the corporation if acting in good faith is nevertheless entitled to accept the vote, consent, waiver, or proxy appointment and give it effect as the act of the shareholder if:

(1) The shareholder is an entity and the name signed purports to be that of an officer or agent of the entity;

(2) The name signed purports to be that of an administrator, executor, guardian, or conservator representing the shareholder and, if the corporation requests, evidence of fiduciary status acceptable to the corporation has been presented with respect to the vote, consent, waiver, or proxy appointment;

(3) The name signed purports to be that of a receiver or trustee in bankruptcy of the shareholder and, if the corporation requests, evidence of his or her status acceptable to the corporation has been presented with respect to the vote, consent, waiver, or proxy appointment;

(4) The name signed purports to be that of a pledgee, beneficial owner, or attorney-in-fact of the shareholder and, if the corporation requests, evidence acceptable to the corporation of the signatory's authority to sign for the shareholder has been presented with respect to the vote, consent, waiver, or proxy appointment; or

(5) Two or more persons are the shareholder as cotenants or fiduciaries and the name signed purports to be the name of at least one of the co-owners and the person signing appears to be acting on behalf of all co-owners.

(c) The corporation is entitled to reject a vote, consent, waiver, or proxy appointment if the secretary or other officer or agent authorized to tabulate votes, acting in good faith, has reasonable basis for doubt about the validity of the signature on it or about the signatory's authority to sign for the shareholder.

(d) The corporation and its officer or agent who accepts or rejects a vote, consent, waiver, or proxy appointment in good faith and in accordance with the standards of this section are not liable in damages to the shareholder for the consequences of the acceptance or rejection.

(e) Corporate action based on the acceptance or rejection of a vote, consent, waiver, or proxy appointment under this section is valid unless a court of competent jurisdiction determines otherwise.

Section 7.25. QUORUM AND VOTING REQUIREMENTS FOR VOTING GROUPS.

(a) Shares entitled to vote as a separate voting group may take action on a matter at a meeting only if a quorum of those shares exists with respect to that matter. Unless the articles of incorporation or this chapter provide otherwise, a majority of the votes entitled to be cast on the matter by the voting group constitutes a quorum of that voting group for action on that matter, but in no event shall a quorum consist of less than one-third of the votes entitled to be cast on the matter by the voting group.

(b) Once a share is represented for any purpose at a meeting, it is, unless established to the contrary, presumed present for quorum purposes for the remainder of the meeting.

(c) If a quorum is present when a vote is taken, action on a matter (other than the election of directors) by a voting group is approved if the votes cast within the voting group favoring the action exceed the votes cast opposing the action, unless the Constitution of Alabama as the same may be amended from time to time, the articles of incorporation, or this chapter require a greater number of affirmative votes.

(d) An amendment of articles of incorporation adding, changing, or deleting a quorum or voting requirement for a voting group greater than specified in subsection (a) or (c) is governed by Section 7.27.

(e) The election of directors is governed by Section 7.28.

Section 7.26. ACTION BY SINGLE AND MULTIPLE VOTING GROUPS.

(a) If the articles of incorporation or this chapter provide for voting by a single voting group on a matter, action on that matter is taken when voted upon by that voting group as provided in Section 7.25.

(b) If the articles of incorporation or this chapter provide for voting by two or more voting groups on a matter, action on that matter is taken only when voted upon by each of those voting groups counted separately as provided in Section 7.25. Action may be taken by one voting group on a matter even though no action is taken by another group entitled to vote on the matter.

Section 7.27. GREATER QUORUM OR VOTING REQUIREMENTS.

(a) The articles of incorporation may provide for a greater quorum or voting requirement for shareholders (or voting groups of shareholders) than is provided for by this chapter.

(b) An amendment to the articles of incorporation that adds, changes, or deletes a greater quorum or voting requirement must meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirements then in effect or proposed to be adopted, **whichever is greater.**

Section 7.28. VOTING FOR DIRECTORS; CUMULATIVE VOTING.

(a) Unless otherwise provided in the articles of incorporation, directors are elected by a majority of the votes cast by the shares entitled to vote in the election at a meeting at which a quorum is present when the vote is taken.

(b) Shareholders do not have a right to cumulate their votes for directors unless the articles of incorporation so provide.

(c) A statement included in the articles of incorporation that "[all] [a designated voting group of] shareholders are entitled to cumulate their votes for directors" (or words of similar import) means that the shareholders designated are entitled to multiply the number of votes they are entitled to cast by the number of

directors for whom they are entitled to vote and cast the product for a single candidate or distribute the product among two or more candidates.

(d) Shares otherwise entitled to vote cumulatively may not be voted cumulatively at a particular meeting unless:

(1) The meeting notice or proxy statement accompanying the notice states conspicuously that cumulative voting is authorized; or

(2) A shareholder who has the right to cumulate his or her votes gives notice to the corporation not less than 48 hours before the time set for the meeting of his or her intent to cumulate his or her votes during the meeting, and if one shareholder gives this notice all other shareholders in the same voting group participating in the election are entitled to cumulate their votes without giving further notice.

DIVISION C. VOTING TRUSTS AND AGREEMENTS.

Section 7.30. VOTING TRUST.

(a) One or more shareholders may create a voting trust, conferring on a trustee the right to vote or otherwise act for them, by signing an agreement setting out the provisions of the trust (which may include anything consistent with its purpose) and transferring their shares to the trustee. When a voting trust agreement is signed, the trustee shall prepare a list of the names and addresses of all owners of beneficial interests in the trust, together with the number and class of shares each transferred to the trust, and deliver copies of the list and agreement to the corporation's principal office.

(b) A voting trust becomes effective on the date the first shares subject to the trust are registered in the trustee's name. A voting trust is valid for not more than 10 years after its effective date unless extended under subsection (c).

(c) All or some of the parties to a voting trust may extend it for additional terms of not more than 10 years each by signing an extension agreement and obtaining the voting trustee's written consent to the extension. Any extension is valid from the date the first shareholder signs the extension agreement. The voting trustee must deliver copies of the extension agreement and list of beneficial owners to the corporation's principal office. An extension agreement binds only those parties signing it.

Section 7.31. VOTING AGREEMENTS.

(a) Two or more shareholders may provide for the manner in which they will vote their shares by signing an agreement for that

purpose. A voting agreement created under this section is not subject to the provisions of Section 7.30.

(b) A voting agreement created under this section is specifically enforceable.

Section 7.32. SHAREHOLDER AGREEMENTS.

(a) An agreement among the shareholders of a corporation that complies with this section is effective among the shareholders and the corporation even though it is inconsistent with one or more provisions of this chapter in that it:

(1) Eliminates the authority of the board of directors or restricts the discretion or powers of the board of directors;

(2) Governs the authorization or making of distributions whether or not in proportion to ownership of shares, subject to the limitations in Section 6.40;

(3) Establishes who shall be directors or officers of the corporation, or their terms of office or manner of selection or removal;

(4) Governs, in general or in regard to specific matters, the exercise or division of voting power by or between the shareholders and directors or by or among any of them, including use of weighted voting rights or director proxies;

(5) Establishes the terms and conditions of any agreement for the transfer or use of property or the provision of services between the corporation and any shareholder, director, officer, or employee of the corporation or among any of them;

(6) Transfers to one or more shareholders or other persons all or part of the authority to exercise the corporate powers or to manage the business and affairs of the corporation, including the resolution of any issue about which there exists a deadlock among directors or shareholders;

(7) Requires dissolution of the corporation at the request of one or more of the shareholders or upon the occurrence of a specified event or contingency; or

(8) Otherwise governs the exercise of the corporate powers or the management of the business and affairs of the corporation or the relationship among the shareholders, the directors and the corporation, or among any of them, and is not contrary to public policy.

(b) An agreement authorized by this section shall be:

(1) Set forth (A) in the articles of incorporation or bylaws and approved by all persons who are shareholders at the time of the

agreement or (B) in a written agreement that is signed by all persons who are shareholders at the time of the agreement and is made known to the corporation; and

(2) Subject to amendment only by all persons who are shareholders at the time of the amendment, unless the agreement provides otherwise.

(c) The existence of an agreement authorized by this section shall be noted conspicuously on the front or back of each certificate for outstanding shares. If at the time of the agreement the corporation has shares outstanding represented by certificates, the corporation shall recall the outstanding certificates and either add the notation or issue substitute certificates that comply with this subsection. The failure to note the existence of the agreement on the certificate shall not affect the validity of the agreement or any action taken pursuant to it. Any purchaser of shares who, at the time of purchase, did not have knowledge of the existence of the agreement shall be entitled to rescission of the purchase. A purchaser shall be deemed to have knowledge of the existence of the agreement if its existence is noted on the certificate for the shares in compliance with this subsection. An action to enforce the right of rescission authorized by this subsection must be commenced within the earlier of 90 days after discovery of the existence of the agreement or two years after the time of purchase of the shares.

(d) An agreement authorized by this section shall cease to be effective when shares of the corporation are listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association. If the agreement ceases to be effective for any reason, the board of directors may, if the agreement is contained or referred to in the corporation's articles of incorporation or bylaws, adopt an amendment of the articles of incorporation or bylaws, without shareholder action, to delete the agreement and any references to it.

(e) An agreement authorized by this section that limits the discretion or powers of the board of directors shall relieve the directors of, and impose upon the person or persons in whom such discretion or powers are vested, liability for acts or omissions imposed by law on directors to the extent that the discretion or powers of the directors are limited by the agreement.

(f) The existence or performance of an agreement authorized by this section shall not be a ground for imposing personal liability on any shareholder for the acts or debts of the corporation even if the agreement or its performance treats the corporation as if it were a partnership or results in failure to observe the corporate formalities otherwise applicable to the matters governed by the agreement.

(g) Incorporators or subscribers for shares may act as shareholders with respect to an agreement authorized by this section if no shares have been issued when the agreement is made.

ARTICLE 8. DIRECTORS AND OFFICERS.

DIVISION A. BOARD OF DIRECTORS.

Section 8.01. REQUIREMENT FOR AND DUTIES OF BOARD OF DIRECTORS.

(a) Each corporation must have a board of directors.

(b) All corporate powers shall be exercised by or under the authority of, and the business and affairs of the corporation managed under the direction of, its board of directors, subject to any limitation set forth in the articles of incorporation or in an agreement authorized under Section 7.32.

Section 8.02. QUALIFICATIONS OF DIRECTORS.

The articles of incorporation or bylaws may prescribe qualifications for directors. A director shall be a natural person of the age of at least nineteen (19) years but need not be a resident of this state or a shareholder of the corporation unless the articles of incorporation or bylaws so prescribe.

Section 8.03. NUMBER AND ELECTION OF DIRECTORS.

(a) The number of directors shall be one or more, as specified in or fixed in accordance with the articles of incorporation or bylaws.

(b) If a board of directors has power to fix or change the number of directors, the board may increase or decrease by 30 percent or less the number of directors last approved by the shareholders, but only ~~the shareholders may increase or decrease by more than 30 percent~~ the number of directors last approved by the shareholders.

(c) The articles of incorporation or bylaws may establish a variable range for the size of the board of directors by fixing a minimum and maximum number of directors. If a variable range is established, the number of directors may be fixed or changed from time to time, within the minimum and maximum, by the shareholders, or, if the articles of incorporation so provide, by the board of directors. After shares are issued, only the shareholders may change the range for the size of the board or change from a fixed to a variable-range size board or vice versa.

(d) Directors are elected at the first annual shareholder's meeting and at each annual meeting thereafter unless their terms are staggered under Section 8.06.

Section 8.04. ELECTION OF DIRECTORS BY CERTAIN CLASSES OF SHAREHOLDERS.

If the articles of incorporation authorize dividing the shares into classes, the articles may also authorize the election of all or a specified number of directors by the holders of one or more authorized classes of shares. A class (or classes) of shares entitled to elect one or more directors is a separate voting group for purposes of the election of directors.

Section 8.05. TERMS OF DIRECTORS GENERALLY.

(a) The terms of the initial directors of a corporation expire at the first shareholders' meeting at which directors are elected.

(b) The terms of all other directors expire at the next annual shareholders' meeting following their election unless their terms are staggered under Section 8.06.

(c) A decrease in the number of directors does not shorten an incumbent director's term.

(d) The term of a director elected to fill a vacancy expires at the next shareholders' meeting at which directors are elected.

(e) Despite the expiration of a director's term, he or she continues to serve until his or her successor is elected and qualified or until there is a decrease in the number of directors.

Section 8.06. STAGGERED TERMS FOR DIRECTORS.

If there are nine or more directors, the articles of incorporation may provide for staggering their terms by dividing the total number of directors into two or three groups, with each group containing one-half or one-third of the total, as near as may be. In that event, the terms of directors in the first group expire at the first annual shareholders' meeting after their election, the terms of the second group expire at the second annual shareholders' meeting after their election, and the terms of the third group, if any, expire at the third annual shareholders' meeting after their election. At each annual shareholders' meeting held thereafter, directors shall be chosen for a term of two years or three years, as the case may be, to succeed those whose terms expire.

Section 8.07. RESIGNATION OF DIRECTORS.

(a) A director may resign at any time by delivering written notice to the board of directors, its chair, or to the corporation.

(b) A resignation is effective when the notice is delivered unless the notice specifies a later effective date.

Section 8.08. REMOVAL OF DIRECTORS BY SHAREHOLDERS.

(a) The shareholders may remove one or more directors with or without cause unless the articles of incorporation provide that directors may be removed only for cause.

(b) If a director is elected by a voting group of shareholders, only the shareholders of that voting group may participate in the vote to remove him or her.

(c) If cumulative voting is authorized, a director may not be removed if the number of votes sufficient to elect him or her under cumulative voting is voted against his or her removal. If cumulative voting is not authorized, a director may be removed only if the number of votes cast to remove him or her exceeds the number of votes cast not to remove him or her.

(d) A director may be removed by the shareholders only at a meeting called for the purpose of removing him or her and the meeting notice must state that the purpose, or one of the purposes, of the meeting is the removal of the director.

Section 8.09. REMOVAL OF DIRECTORS BY JUDICIAL PROCEEDING.

(a) The circuit court of the county where a corporation's principal office (or, if none in this state, its registered office) is located may remove a director of the corporation from office in a proceeding commenced either by the corporation or by its shareholders holding at least 10 percent of the outstanding shares of any class if the court finds that (1) the director engaged in fraudulent or dishonest conduct, or gross abuse of authority or discretion, with respect to the corporation and (2) removal is in the best interest of the corporation.

(b) The court that removes a director may bar the director from reelection for a period prescribed by the court.

(c) If shareholders commence a proceeding under subsection (a), they shall make the corporation a party defendant.

Section 8.10. VACANCY ON BOARD.

(a) Unless the articles of incorporation provide otherwise, if a vacancy occurs on a board of directors:

(1) The shareholders may fill the vacancy, whether resulting from an increase in the number of directors or otherwise; or

(2) The board of directors may fill the vacancy, except that the directors shall have the power to fill a vacancy resulting from an increase in the number of directors only if expressly provided for in the articles of incorporation; or

(3) If the directors remaining in office constitute fewer than a quorum of the board, they may fill the vacancy, if it is one that the directors are authorized to fill, by the affirmative vote of a majority of all the directors remaining in office.

(b) If the vacant office was held by a director elected by a voting group of shareholders, only the holders of shares of that voting group are entitled to vote to fill the vacancy if it is filled by the shareholders.

(c) A vacancy that will occur at a specific later date (by reason of a resignation effective at a later date under Section 8.07(b) or otherwise) may be filled before the vacancy occurs but the new director may not take office until the vacancy occurs.

Section 8.11. COMPENSATION OF DIRECTORS.

Unless the articles of incorporation or bylaws provide otherwise, the board of directors may fix the compensation of directors.

DIVISION B. MEETINGS AND ACTIONS OF THE BOARD.

Section 8.20. MEETINGS.

(a) The board of directors may hold regular or special meetings in or out of this state.

(b) Unless the articles of incorporation or bylaws provide otherwise, the board of directors may permit any or all directors to participate in a regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

Section 8.21. ACTION WITHOUT MEETING.

(a) Unless the articles of incorporation or bylaws provide otherwise, action required or permitted by this chapter to be taken at a board of directors' meeting may be taken without a meeting if the action is taken by all members of the board. The action must be evidenced by one or more written consents describing the action taken, signed by each director, and included in the minutes or filed with the corporate records reflecting the action taken.

(b) Action taken under this section is effective when the last director signs the consent, unless the consent specifies a different effective date.

(c) A consent signed under this section has the effect of a meeting vote and may be described as such in any document.

Section 8.22. NOTICE OF MEETING.

(a) Regular meetings of the board of directors may be held with or without notice as prescribed in the bylaws.

(b) Unless the articles of incorporation or bylaws provide for a longer or shorter period, special meetings of the board of directors

must be preceded by at least two days' notice of the date, time, and place of the meeting. The notice need not describe the purpose of the special meeting unless required by the articles of incorporation or bylaws.

Section 8.23. WAIVER OF NOTICE.

(a) A director may waive any notice required by this chapter, the articles of incorporation, or bylaws before or after the date and time stated in the notice. Except as provided by subsection (b), the waiver must be in writing, signed by the director entitled to notice, and filed with the minutes or corporate records.

(b) A director's attendance at or participation in a meeting:

(1) Waives objection to lack of any required notice to him or her or defective notice of the meeting unless the director at the beginning of the meeting (or promptly upon his or her arrival) objects to holding the meeting or transacting business at the meeting and does not thereafter vote for or assent to action taken at the meeting, and

(2) Waives objection to consideration of a particular matter at the meeting that is not within the purpose or purposes described in the meeting notice, unless the director objects to considering the matter before action is taken on the matter.

Section 8.24. QUORUM AND VOTING.

(a) Unless the articles of incorporation or bylaws require a greater number, a quorum of a board of directors consists of:

(1) A majority of the fixed number of directors if the corporation has a fixed board size; or

(2) A majority of the fixed number of directors prescribed, or if no number is prescribed the number in office immediately before the meeting begins, if the corporation has a variable-range size board.

(b) The articles of incorporation or bylaws may authorize a quorum of a board of directors to consist of no fewer than one-third of the fixed or prescribed number of directors determined under subsection (a).

(c) If a quorum is present when a vote is taken, the affirmative vote of a majority of directors present is the act of the board of directors unless the articles of incorporation or bylaws require the vote of a greater number of directors. A director is, unless established to the contrary, presumed present for quorum purposes for the remainder of a meeting at which he or she has been present for any purpose.

(d) A director who is present at a meeting of the board of directors or a committee of the board of directors when corporate action is taken is deemed to have assented to the action taken unless: (1) he or she objects at the beginning of the meeting (or promptly upon his or her arrival) to holding it or transacting business at the meeting or, as to a matter required under the articles of incorporation or the bylaws to be included in the notice of the purpose of the meeting, he or she objects before action is taken on the matter; (2) his or her dissent or abstention from action taken is entered in the minutes of the meeting; or (3) he or she delivers written notice of his or her dissent or abstention to the presiding officer of the meeting before its adjournment or to the corporation immediately after adjournment of the meeting. The right of dissent or abstention is not available to a director who votes in favor of the action taken.

Section 8.25. COMMITTEES.

(a) Unless the articles of incorporation or bylaws provide otherwise, a board of directors may create one or more committees and appoint members of the board of directors to serve on them. Each committee may have one or more members, who serve at the pleasure of the board of directors.

(b) The creation of a committee and appointment of members to it must be approved by the greater of (1) a majority of all the directors in office when the action is taken or (2) the number of directors required by the articles of incorporation or bylaws to take action under Section 8.24.

(c) Sections 8.20 through 8.24, which govern meetings, action without meetings, notice and waiver of notice, and quorum and voting requirements of the board of directors, apply to committees and their members as well.

(d) To the extent specified by the board of directors or in the articles of incorporation or bylaws, each committee may exercise the authority of the board of directors under Section 8.01.

(e) A committee may not however:

- (1) Authorize distributions;
- (2) Approve or propose to shareholders action that this chapter requires be approved by shareholders;
- (3) Fill vacancies on the board of directors or on any of its committees;
- (4) Amend articles of incorporation pursuant to Section 10.02;
- (5) Adopt, amend, or repeal bylaws;
- (6) Approve a plan of merger not requiring shareholder approval;

(7) Authorize or approve reacquisition of shares, except according to formula or method prescribed by the board of directors; or

(8) Authorize or approve the issuance or sale or contract for sale of shares, or determine the designation and relative rights, preferences, and limitations of a class or series of shares, except that the board of directors may authorize a committee (or a senior executive officer of the corporation) to do so within limits specifically prescribed by the board of directors.

(f) The creation of, delegation of authority to, or action by a committee does not alone constitute compliance by a director with the standards of conduct described in Section 8.30.

DIVISION C. STANDARDS OF CONDUCT.

Section 8.30. GENERAL STANDARDS FOR DIRECTORS.

(a) A director shall discharge his or her duties as a director, including duties as a member of a committee:

(1) In good faith;

(2) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(3) In a manner the director believes to be in the best interests of the corporation.

(b) In discharging his or her duties, a director is entitled to rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) ~~One or more officers or employees of the corporation~~ whom the director reasonably believes to be reliable and competent in the matters;

(2) Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the person's professional or expert competence; or

(3) A committee of the board of directors of which he or she is not a member if the director reasonably believes the committee merits confidence.

(c) A director is not acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (b) unwarranted.

(d) A director is not liable for any action taken as a director, or any failure to take any action, if the director performed the duties of his or her office in compliance with this section.

(e) The above standards are subject to any provision of the articles of incorporation that may be adopted pursuant to Section 2.02(b)(4).

Section 8.31. FIDUCIARY OBLIGATIONS NOT IMPAIRED.

Neither an unqualified statement of rights or powers, nor an unqualified grant of authority in this chapter, shall be taken or construed to abrogate, repeal, displace, modify or impair the fiduciary obligations of directors or other officers or employees of a corporation, or of shareholders having or exercising control thereof, or any function thereof, whether by reason of ownership of a majority, or other controlling, interest therein, or otherwise, or the jurisdiction of the courts to grant relief by way of injunction or otherwise, in order to forestall, prevent, correct, remedy or allow damages for fraud, oppression, imposition or other inequitable or remedial conduct in conformity with the applicable principles and practices of law.

Section 8.32. DEPRECIATING STOCKS OR BONDS OF CORPORATION WITH INTENT TO BUY.

No president, director, or managing officer of any corporation, by whatsoever name or title he or she may be known or called, shall do or omit to do any act, or shall make any declaration or statement in writing, or otherwise, with the intent to depreciate the market value of the stock or bonds of such corporation, and with the further intent to enable such president, director, or other managing officer, or any other person, to buy any such stock or bonds at less than the real value thereof.

Section 8.33. LIABILITY FOR UNLAWFUL DISTRIBUTIONS.

(a) Unless he or she complies with the applicable standards of conduct described in Section 8.30, a director who votes for or assents to a distribution made in violation of this chapter or the articles of incorporation is personally liable to the corporation for the amount of the distribution that exceeds what could have been distributed without violating this chapter or the articles of incorporation.

(b) A director held liable for an unlawful distribution under subsection (a) is entitled to contribution:

(1) From every other director who voted for or assented to the distribution without complying with the applicable standards of conduct described in Section 8.30, and

(2) From each shareholder for the amount the shareholder accepted knowing the distribution was made in violation of this chapter or the articles of incorporation.

(c) A proceeding under subsection (a) is barred unless it is commenced within three years after the date on which the effect of the distribution was measured under Section 6.40.

DIVISION D. OFFICERS.

Section 8.40. REQUIRED OFFICERS.

(a) A corporation has the officers described in its bylaws or appointed by the board of directors in accordance with the bylaws.

(b) A duly appointed officer may appoint one or more officers or assistant officers if authorized by the bylaws or the board of directors.

(c) The bylaws or the board of directors shall delegate to one of the officers responsibility for preparing minutes of the directors' and shareholders' meetings and for authenticating records of the corporation.

(d) Unless the bylaws provide otherwise, the same individual may simultaneously hold more than one office in a corporation.

Section 8.41. DUTIES OF OFFICERS.

Each officer has the authority and shall perform the duties set forth in the bylaws or, to the extent consistent with the bylaws, the duties prescribed by the board of directors or by direction of an officer authorized by the board of directors to prescribe the duties of other officers.

Section 8.42. STANDARDS OF CONDUCT FOR OFFICERS.

(a) An officer with discretionary authority shall discharge his or her duties under that authority:

(1) *In good faith,*

(2) With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and

(3) In a manner he or she reasonably believes to be in the best interests of the corporation.

(b) In discharging his or her duties an officer is entitled to rely on information, opinions reports, or statements, including financial statements and other financial data, if prepared or presented by:

(1) One or more officers or employees of the corporation whom the officer reasonably believes to be reliable and competent in the matters presented; or

(2) Legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence.

(c) An officer is not acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (b) unwarranted.

(d) An officer is not liable for any action taken as an officer, or any failure to take any action, if he or she performed the duties of his or her office in compliance with this section.

Section 8.43. RESIGNATION AND REMOVAL OF OFFICERS.

(a) An officer may resign at any time by giving notice to the corporation. A resignation is effective when the notice is given unless the notice specifies a later effective date. If a resignation is made effective at a later date and the corporation accepts the future effective date, its board of directors may fill the pending vacancy before the effective date if the board of directors provides that the successor does not take office until the effective date.

(b) A board of directors may remove any officer at any time with or without cause.

Section 8.44. CONTRACT RIGHTS OF OFFICERS.

(a) The appointment of an officer does not itself create contract rights.

(b) An officer's removal does not affect the officer's contract rights, if any, with the corporation. An officer's resignation does not affect the officer's contract rights, if any, with the officer.

DIVISION E. INDEMNIFICATION.

Section 8.50. DEFINITIONS.

In Division E of this Article 8:

(1) "Corporation" includes any domestic or foreign predecessor entity of a corporation in a merger or other transaction in which the predecessor's existence ceased upon consummation of the transaction.

(2) "Director" means an individual who is or was a director of a corporation or an individual who, while a director of a corporation, is or was serving at the corporation's request as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture, trust, employee benefit plan, or other enterprise. A director is considered to be serving an employee benefit plan at the corporation's request if his or her duties to the corporation also impose duties on, or otherwise involve services by, the director to the plan or to participants in or beneficiaries of the plan. "Director" includes, unless the context requires otherwise, the estate or personal representative of a director.

(3) "Expenses" include counsel fees.

(4) "Liability" means the obligation to pay a judgment, settlement, penalty, fine (including an excise tax assessed with respect to an employee benefit plan), or reasonable expenses incurred with respect to a proceeding.

(5) "Official capacity" means (i) when used with respect to a director, the office of director in a corporation; and (ii) when used with respect to an individual other than a director, as contemplated in Section 8.56, the office in a corporation held by an officer or the employment or agency relationship undertaken by the employee or agent on behalf of the corporation. "Official capacity" does not include service for any foreign or domestic corporation or any partnership, joint venture, trust, employee benefit plan, or other enterprise.

(6) "Party" includes an individual who was, is or is threatened to be made a named defendant or respondent in a proceeding.

(7) "Proceeding" means any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative and whether formal or informal.

Section 8.51. AUTHORITY TO INDEMNIFY.

(a) Except as provided in subsection (d), a corporation may indemnify an individual made a party to a proceeding because he or she is or was a director against liability incurred in the proceeding if:

(1) The individual conducted himself or herself in good faith; and

(2) The individual reasonably believed:

(i) In the case of conduct in his or her official capacity with the corporation, that the conduct was in its best interests; and

(ii) In all other cases, that the conduct was at least not opposed to its best interests; and

(3) In the case of any criminal proceeding, the individual had no reasonable cause to believe his or her conduct was unlawful.

(b) A director's conduct with respect to an employee benefit plan for a purpose he or she reasonably believed to be in the interests of the participants in, and beneficiaries of the plan is conduct that satisfies the requirement of subsection (a)(2)(ii).

(c) The termination of a proceeding by judgement, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent is not, of itself, determinative that the director did not meet the standard of conduct described in this section.

(d) A corporation may not indemnify a director under this section:

(1) In connection with a proceeding by or in the right of the corporation in which the director was adjudged liable to the corporation; or

(2) In connection with any other proceeding charging improper personal benefit to the director, whether or not involving action in his or her official capacity, in which the director was adjudged liable on the basis that personal benefit was improperly received by him or her.

(e) Indemnification permitted under this section in connection with a proceeding by or in the right of the corporation is limited to reasonable expenses incurred in connection with the proceeding.

Section 8.52. MANDATORY INDEMNIFICATION.

A corporation shall indemnify a director who was successful, on the merits or otherwise, in the defense of any proceeding, or of any claim, issue or matter in such proceeding, where he or she was a party because he or she is or was a director of the corporation, against reasonable expenses incurred in connection therewith, notwithstanding that he or she was not successful on any other claim, issue or matter in any such proceeding.

Section 8.53. ADVANCE FOR EXPENSES.

(a) A corporation may pay for or reimburse the reasonable expenses incurred by a director who is a party to a proceeding in advance of final disposition of the proceeding if:

(1) The director furnishes the corporation a written affirmation of good faith belief that he or she has met the standard of conduct described in Section 8.51;

(2) The director furnishes the corporation a written undertaking, executed personally or on the director's behalf, to repay the advance if it is ultimately determined that the director did not meet the standard of conduct, or is not otherwise entitled to indemnification under Section 8.51(d), unless indemnification is approved by the court under Section 8.54;

(3) A determination is made that the facts then known to those making the determination would not preclude indemnification under Division E of this article.

(b) The undertaking required by subsection (a)(2) must be an unlimited general obligation of the director but need not be secured and may be accepted without reference to financial ability to make repayment.

(c) Determinations and authorizations of payments under this section shall be made in the manner specified in Section 8.55.

Section 8.54. COURT-ORDERED INDEMNIFICATION.

A director of the corporation who is a party to a proceeding may apply for indemnification to the court conducting the proceeding, or may file an action therefor in another court of competent jurisdiction if such court has jurisdiction over the corporation and the corporation is a party to the proceeding. On receipt of such an application or the filing of such an action, the court after giving any notice it considers necessary may order indemnification if it determines:

(1) The director is entitled to mandatory indemnification under Section 8.52, in which case the court shall also order the corporation to pay the director's reasonable expenses incurred to obtain court-ordered indemnification; or

(2) The director is fairly and reasonably entitled to indemnification in view of all the relevant circumstances, whether or not he or she met the standard of conduct set forth in Section 8.51 or was adjudged liable as described in Section 8.51(d), but if he or she was adjudged so liable the indemnification is limited to reasonable expenses incurred.

Section 8.55. DETERMINATION AND AUTHORIZATION OF INDEMNIFICATION.

(a) A corporation may not indemnify a director under Section 8.51 unless authorized in the specific case after a determination has been made that indemnification of the director is permissible in the circumstances because the director has met the standard of conduct set forth in Section 8.51.

(b) The determination shall be made:

(1) By the board of directors by majority vote of a quorum consisting of directors not at the time parties to the proceeding;

(2) If a quorum cannot be obtained under subdivision (1), by majority vote of a committee duly designated by the board of directors (in which designation directors who are parties may participate) consisting solely of two or more directors not at the time parties to the proceeding;

(3) By special legal counsel;

(i) Selected by the board of directors or its committee in the manner prescribed in subdivision (1) or (2); or

(ii) If a quorum of the board of directors cannot be obtained under subdivision (1) and a committee cannot be designated under

subdivision (2), selected by majority vote of the full board of directors (in which selection directors who are parties may participate); or

(4) By the shareholders, but shares owned by or voted under the control of directors who are at the time parties to the proceeding may not be voted on the determination. A majority of the shares that are entitled to vote on the transaction by virtue of not being owned by or under the control of such directors constitutes a quorum for the purpose of taking action under this section.

(c) Authorization of indemnification and evaluation as to reasonableness of expenses shall be made in the same manner as the determination that indemnification is permissible, except that if the determination is made by special legal counsel, authorization of indemnification and evaluation as to reasonableness of expenses shall be made by those entitled under subsection (b) (3) to select counsel.

Section 8.56. INDEMNIFICATION OF OFFICERS, EMPLOYEES, AND AGENTS.

(a) An officer of a corporation who is not a director is entitled to mandatory indemnification under Section 8.52, and is entitled to apply for court-ordered indemnification under Section 8.54, in each case to the same extent as a director.

(b) A corporation may indemnify and may advance expenses under Division E of this article to an officer, employee, or agent of the corporation who is not a director to the same extent as to a director.

Section 8.57. INSURANCE.

A corporation may purchase and maintain insurance, or furnish similar protection (including but not limited to trust funds, self-insurance reserves, or the like), on behalf of an individual who is or was a director, officer, employee, or agent of the corporation, or who, while a director, officer, employee, or agent of the corporation, is or was serving at the request of the corporation as a director, officer, partner, trustee, employee, or agent of another foreign or domestic corporation, partnership, joint venture trust, employee benefit plan, or other enterprise, against liability asserted against or incurred by him or her in that capacity or arising from his or her status as a director, officer, employee, or agent, whether or not the corporation would have power to indemnify him or her against the same liability under Section 8.51 or 8.52.

Section 8.58. APPLICATION OF INDEMNIFICATION PROVISIONS.

(a) Any indemnification, or advance for expenses, authorized under Division E of this article shall not be deemed exclusive of

and shall be in addition to that which may be contained in a corporation's articles of incorporation, bylaws, a resolution of its shareholders or board of directors, or in a contract or otherwise.

(b) Division E of this article does not limit a corporation's power to pay or reimburse expenses incurred by a director in connection with the director's appearance as a witness in a proceeding at a time when he or she has not been made a named defendant or respondent to the proceeding.

DIVISION F. DIRECTORS' CONFLICTING INTEREST TRANSACTIONS.

Section 8.60. DEFINITIONS.

In Division F of this Article 8:

(1) "Conflicting interest" with respect to a corporation means the interest a director of the corporation has respecting a transaction effected or proposed to be effected by the corporation (or by a subsidiary of the corporation or any other entity in which the corporation has a controlling interest) if:

(i) Whether or not the transaction is brought before the board of directors of the corporation for action, the director knows at the time of commitment that he or she or a related person is a party to the transaction or has a beneficial interest in or so closely linked to the transaction and of such financial significance to the director or a related person that the interest would reasonably be expected to exert an influence on the director's judgement if the director were called upon to vote on the transaction; or

(ii) The transaction is brought (or is of such character and significance to the corporation that it would in the normal course be brought) before the board of directors of the corporation for action, and the director knows at the time of commitment that any of the following persons is either a party to the transaction or has a beneficial financial interest in or so closely linked to the transaction and of such financial significance to the person that the interest would reasonably be expected to exert an influence on the director's judgement if the director were called upon to vote on the transaction: (A) an entity (other than the corporation) of which the director is a director, general partner, agent, or employee; (B) a person that controls one or more of the entities specified in subclause (A) or an entity that is controlled by, or is under common control with, one or more of the entities specified in subclause (A); or (C) an individual who is a general partner, principal, or employer of the director.

(2) "Director's conflicting interest transaction" with respect to a corporation means a transaction effected or proposed to be

effected by the corporation (or by a subsidiary of the corporation or any other entity in which the corporation has a controlling interest) respecting which a director of the corporation has a conflicting interest.

(3) "Related person" of a director means (i) the spouse (or a parent or sibling thereof) of the director, or a child, grandchild, sibling, parent (or spouse of any thereof) of the director, or an individual having the same home as the director, or a trust or estate of which an individual specified in this clause (i) is a substantial beneficiary; or (ii) a trust, estate, incompetent, conservatee, or minor of which the director is a fiduciary.

(4) "Required disclosure" means disclosure by the director who has a conflicting interest of (i) the existence and nature of his or her conflicting interest, and (ii) all facts known to him or her respecting the subject matter of the transaction that an ordinarily prudent person would reasonably believe to be material to a judgment about whether or not to proceed with the transaction.

(5) "Time of commitment" respecting a transaction means the time when the transaction is consummated or, if made pursuant to contract, the time when the corporation (or its subsidiary or the entity in which it has a controlling interest) becomes contractually obligated so that its unilateral withdrawal from the transaction would entail significant loss, liability, or other damage.

Section 8.61. JUDICIAL ACTION.

(a) A transaction effected or proposed to be effected by a corporation (or by a subsidiary of the corporation or any other entity in which the corporation has a controlling interest) that is not a director's conflicting interest transaction may not be enjoined, set aside, or give rise to an award of damages or other sanctions, in a proceeding by a shareholder or by or in the right of the corporation, because a director of the corporation, or any person with whom or which he or she has a personal, economic, or other association, has an interest in the transaction.

(b) A director's conflicting interest transaction may not be enjoined, set aside, or give rise to an award of damages or other sanctions, in a proceeding by a shareholder or by or in the right of the corporation, because the director, or any person with whom or which he or she has a personal, economic, or other association, has an interest in the transaction, if:

(1) Director's action respecting the transaction was at any time taken in compliance with Section 8.62; or

(2) Shareholders' action respecting the transaction was at any time taken in compliance with Section 8.63; or

(3) The transaction, judged according to the circumstances at the time of commitment, is established to have been fair to the corporation.

Section 8.62. DIRECTORS' ACTION.

(a) Directors' action respecting a transaction is effective for purposes of Section 8.61 (b) (1) if the transaction received the affirmative vote of a majority (but no fewer than two) of those qualified directors on the board of directors or on a duly empowered committee of the board who voted on the transaction after either required disclosure to them (to the extent the information was not known by them) or compliance with subsection (b); provided that action by a committee is to be effective only if (1) all its members are qualified directors, and (2) its members are either all the qualified directors on the board or are appointed by the affirmative vote of a majority of the qualified directors on the board.

(b) If a director has a conflicting interest respecting a transaction but neither the director nor a related person of the director specified in Section 8.60(3)(i) is a party to the transaction such that the director may not make the disclosure described in Section 8.60(4) (ii), then disclosure is sufficient for purposes of subsection (a) if the director (1) discloses to the directors voting on the transaction the existence and nature of his or her conflicting interest and informs them of the character and limitations imposed by that duty before their vote on the transaction and (2) plays no part, directly or indirectly, in their deliberations or vote.

(c) A majority (but no fewer than two) of all the qualified directors on the board of directors, or on the committee, constitutes a quorum for purposes of action that complies with this section. Directors' action that otherwise complies with this section is not affected by the presence or vote of a director who is not a qualified director.

(d) For purposes of this section, "qualified director" means, with respect to a director's conflicting interest transaction, any director who does not have either (1) a conflicting interest respecting the transaction or (2) a familial, financial, professional, or employment relationship with a second director who does have a conflicting interest respecting the transaction, which relationship would, in the circumstances, reasonably be expected to exert an influence on the first director's judgement when voting on the transaction.

Section 8.63. SHAREHOLDERS' ACTION.

(a) Shareholders' action respecting a transaction is effective for purposes of Section 8.61(b)(2) if a majority of the votes entitled

to be cast by the holders of all qualified shares were cast in favor of the transaction after (1) notice to shareholders describing the director's conflicting interest transactions, (2) provision of the information referred to in subsection (d), and (3) required disclosure to the shareholders who voted on the transaction (to the extent the information was not known by them).

(b) For purposes of this section, "qualified shares" means any shares entitled to vote with respect to the director's conflicting interest transaction except shares that, to the knowledge, before the vote, of the secretary (or other officer or agent of the corporation authorized to tabulate votes), are beneficially owned (or the voting of which is controlled) by a director who has a conflicting interest respecting the transaction or by a related person of the director, or both.

(c) A majority of the votes entitled to be cast by the holders of all qualified shares constitutes a quorum for purposes of action that complies with this section. Subject to the provisions of subsections (d) and (e), shareholders' action that otherwise complies with this section is not affected by the presence of holders, or the voting, of shares that are not qualified shares.

(d) For purposes of compliance with (a), a director who has a conflicting interest respecting the transaction shall, before the shareholders' vote, inform the secretary (or other officer or agent of the corporation authorized to tabulate votes) of the number, and the identity of persons holding or controlling the vote, of all shares that the director knows are beneficially owned (or the voting of which is controlled) by the director or by a related person of the director, or both.

(e) If a shareholder's vote does not comply with subsection (a) solely because of the failure of a director to comply with subsection (a), and if the director establishes that his or her failure did not determine and was not intended by him or her to influence the outcome of the vote, the court may, with or without further proceedings respecting Section 8.61(b)(3), take such action respecting the transaction and the director, and give such effect, if any, to the shareholder's vote, as it considers appropriate in the circumstances.

ARTICLE 10. AMENDMENT OF ARTICLES OF INCORPORATION AND BYLAWS.

DIVISION A. AMENDMENT OF ARTICLES OF INCORPORATION.

Section 10.01. AUTHORITY TO AMEND ARTICLES OF INCORPORATION.

(a) A corporation may amend its articles of incorporation at any time to add or change a provision that is required or permitted in the articles of incorporation or to delete a provision not required in the articles of incorporation. Whether a provision is required or permitted in the articles of incorporation is determined as of the effective date of the amendment.

(b) A shareholder of the corporation does not have a vested property right resulting from any provision in the articles of incorporation, including provisions relating to management, control, capital structure, dividend entitlement, or purpose or duration of the corporation.

Section 10.02. AMENDMENT BY BOARD OF DIRECTORS.

Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt one or more amendments to the corporation's articles of incorporation without shareholder action:

(1) To extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(2) To delete the names and addresses of the initial directors;

(3) To delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the Secretary of State;

(4) To change each issued and unissued authorized share of an outstanding class into a greater number of whole shares if the corporation has only shares of that class outstanding;

(5) To change the corporate name by substituting the word "corporation," or "incorporated," or an abbreviation of one of such **words for a similar word or abbreviation in the name, or by** adding, deleting, or changing a geographical attribution for the name; or

(6) To make any other change expressly permitted by this chapter to be made without shareholder action.

Section 10.03. AMENDMENT BY BOARD OF DIRECTORS AND SHAREHOLDERS.

(a) A corporation's board of directors may propose one or more amendments to the articles of incorporation for submission to the shareholders.

(b) For the amendments to be adopted:

(1) The board of directors must recommend the amendment to the shareholders unless the board of directors determines that

because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders with the amendment; and

(2) The shareholders entitled to vote on the amendment must approve the amendment as provided in subsection (e).

(c) Subject to the corporation's articles of incorporation, the board of directors may condition its submission of the proposed amendment on any basis, except that the board of directors may not decrease the vote required for approval under subsection (e).

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with Section 7.05. The notice of meeting must also state that the purpose, or one of the purposes, of the meeting is to consider the proposed amendment and contain or be accompanied by a copy or summary of the amendment.

(e) Unless this chapter, the articles of incorporation, or the board of directors (acting pursuant to subsection (c)) require a greater vote or a vote by voting groups, the amendment to be adopted must be approved by:

(1) A majority of the votes entitled to be cast on the amendment by any voting group with respect to which the amendment would create dissenters' rights; and

(2) The votes required by Sections 7.25 and 7.26 by every other voting group entitled to vote on the amendment.

Section 10.04. VOTING ON AMENDMENTS BY VOTING GROUPS.

(a) The holders of the outstanding shares of a class are entitled to vote as a separate voting group (if shareholder voting is otherwise required by this chapter) on a proposed amendment if the amendment would:

(1) Increase or decrease the aggregate number of authorized shares of the class;

(2) Effect an exchange or reclassification of all or part of the shares of the class into shares of another class;

(3) Effect an exchange or reclassification, or create the right of exchange, of all or part of the shares of another class into shares of the class;

(4) Change the designation, rights, preferences, or limitations of all or part of the shares of the class;

(5) Change the shares of all or part of the class into a different number of shares of the same class;

(6) Create a new class of shares having rights or preferences with respect to distributions or to dissolutions that are prior, superior, or substantially equal to the shares of the class;

(7) Increase the rights, preferences, or number of authorized shares of any class that, after giving effect to the amendment, have rights or preferences with respect to distributions or to dissolutions that are prior, superior, or substantially equal to the shares of the class;

(8) Limit or deny an existing preemptive right of all or part of the shares of the class; or

(9) Cancel or otherwise affect rights to distributions of dividends that have accumulated but not yet been declared on all or part of the shares of the class.

(b) If a proposed amendment would affect a series of a class of shares in one or more ways described in subsection (a), the shares of that series are entitled to vote as a separate voting group on the proposed amendment.

(c) If a proposed amendment that entitles two or more series of shares to vote as separate voting groups under this section would affect those two or more series in the same or substantially similar way, the shares of all the series so affected must vote together as a single voting group on the proposed amendment.

(d) A class or series of shares is entitled to the voting rights granted by this section although the articles of incorporation provide that the shares are nonvoting shares.

Section 10.05. AMENDMENT BEFORE ISSUANCE OF SHARES.

If a corporation has not yet issued shares, its board of directors may adopt one or more amendments to the corporation's articles of incorporation.

Section 10.06. ARTICLES OF AMENDMENT.

A corporation amending its articles of incorporation shall deliver to the Probate Judge for filing articles of amendment setting forth:

(1) The name of the corporation;

(2) The text of each amendment adopted;

(3) If an amendment provides for an exchange, reclassification, or cancellation of issued shares, provisions for implementing the amendment if not contained in the amendment itself;

(4) The date of each amendment's adoption;

(5) If an amendment was adopted by the board of directors without shareholder action, a statement to that effect and that shareholder action was not required;

(6) If an amendment was approved by the shareholders:

(i) The designation, number of outstanding shares, number of votes entitled to be cast by each voting group entitled to vote separately on the amendment, and the number of votes of each voting group indisputably represented at the meeting; and

(ii) Either the total number of votes cast for and against the amendment by each voting group entitled to vote separately on the amendment or the total number of undisputed votes cast for the amendment by each voting group and a statement that the number cast for the amendment by each voting group was sufficient for approval by that voting group.

Section 10.07. RESTATED ARTICLES OF INCORPORATION.

(a) A corporation's board of directors may restate its articles of incorporation at any time with or without shareholder action.

(b) The restatement may include one or more amendments to the articles. If the restatement includes an amendment requiring shareholder approval, it must be adopted as provided in Section 10.03.

(c) If the board of directors submits a restatement for shareholder action, the corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with Section 7.05. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the proposed restatement that identifies any amendment or other change it would make in the articles.

(d) A corporation restating its articles of incorporation shall deliver to the Probate Judge for filing articles of restatement setting forth the name of the corporation and the text of the restated articles of incorporation together with a certificate setting forth:

(1) Whether the restatement contains an amendment to the articles requiring shareholder approval and, if it does not, that the board of directors adopted the restatement;

(2) If the restatement contains an amendment to the articles requiring shareholder approval, the information required by Section 10.06.

(e) Duly adopted restated articles of incorporation supersede the original articles of incorporation and all amendments to them.

(f) The Probate Judge may certify restated articles of incorporation, as the articles of incorporation currently in effect, without including the certificate information required by subsection (d).

Section 10.08. AMENDMENT PURSUANT TO REORGANIZATION.

(a) A corporation's articles of incorporation may be amended without action by the board of directors or shareholders to carry out a plan of reorganization ordered or decreed by a court of competent jurisdiction under federal statute if the articles of incorporation after amendment contain only provisions required or permitted by Section 2.02.

(b) The individual or individuals designated by the court shall deliver to the Probate Judge for filing articles of amendment setting forth:

- (1) The name of the corporation;
- (2) The text of each amendment approved by the court;
- (3) The date of the court's order or decree approving the articles of amendment;
- (4) The title of the reorganization proceeding in which the order or decree was entered; and

(5) A statement that the court had jurisdiction of the proceeding under federal statute.

(c) Shareholders of a corporation undergoing reorganization do not have dissenters' rights except as and to the extent provided in the reorganization plan.

(d) This section does not apply after entry of a final decree in the reorganization proceeding even though the court retains jurisdiction of the proceeding for limited purposes unrelated to consummation of the reorganization plan.

Section 10.09. EFFECT OF AMENDMENT.

An amendment to articles of incorporation does not affect a cause of action existing against or in favor of the corporation, a proceeding to which the corporation is a party, or the existing rights of persons other than shareholders of the corporation. An amendment changing a corporation's name does not abate a proceeding brought by or against the corporation in its former name.

DIVISION B. AMENDMENT OF BYLAWS.

Section 10.20. AMENDMENT BY BOARD OF DIRECTORS OR SHAREHOLDERS.

(a) A corporation's board of directors may amend or repeal the corporation's bylaws unless:

- (1) The articles of incorporation or this chapter reserve this power exclusively to the shareholders in whole or part; or

(2) The shareholders in amending or repealing a particular bylaw provide expressly that the board of directors may not amend or repeal that bylaw.

(b) A corporation's shareholders may amend or repeal the corporation's bylaws even though the bylaws may also be amended or repealed by its board of directors.

Section 10.21. BYLAW INCREASING QUORUM OR VOTING REQUIREMENT FOR SHAREHOLDERS.

(a) If authorized by the articles of incorporation, the shareholders may adopt or amend a bylaw that fixes a greater quorum or voting requirement for shareholders (or voting groups of shareholders) than is required by this chapter. The adoption or amendment of a bylaw that adds, changes, or deletes a greater quorum or voting requirement for shareholders must meet the same quorum requirement and be adopted by the same vote and voting groups required to take action under the quorum and voting requirement then in effect or proposed to be adopted, whichever is greater.

(b) A bylaw that fixes a greater quorum or voting requirement for shareholders under subsection (a) may not be adopted, amended, or repealed by the board of directors.

Section 10.22. BYLAW INCREASING QUORUM OR VOTING REQUIREMENT FOR DIRECTORS.

(a) A bylaw that fixes a greater quorum or voting requirement for the board of directors may be amended or repealed:

(1) If originally adopted by the shareholders, only by the shareholders;

(2) If originally adopted by the board of directors, either by the shareholders or by the board of directors.

(b) A bylaw adopted or amended by the shareholders that fixes a greater quorum or voting requirement for the board of directors may provide that it may be amended or repealed only by a specified vote of either the shareholders or the board of directors.

(c) Action by the board of directors under subsection (a)(2) to adopt or amend a bylaw that changes the quorum or voting requirement for the board of directors must meet the same quorum requirement and be adopted by the same vote required to take action under the quorum and voting requirement then in effect or proposed to be adopted, whichever is greater.

ARTICLE 11. MERGER AND SHARE EXCHANGE.

DIVISION A. MERGERS AND SHARE

EXCHANGES WITH OTHER CORPORATIONS.

Section 11.01. MERGER.

(a) Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, one or more corporations may merge into another corporation if the board of directors of each corporation adopts and its shareholders (if required by Section 11.03) approve a plan of merger.

(b) The plan of merger must set forth:

(1) The name of each corporation planning to merge and the name of the surviving corporation into which each other corporation plans to merge;

(2) The terms and conditions of the merger; and

(3) The manner and basis of converting the shares of each corporation into shares, obligations, or other securities of any other corporation or into cash or other property in whole or part.

(c) The plan of merger may set forth:

(1) Amendments to the articles of incorporation of the surviving corporation; and

(2) Other provisions relating to the merger.

Section 11.02. SHARE EXCHANGE.

(a) Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, a corporation may acquire all of the outstanding shares of one or more classes or series of another corporation if the board of directors of each corporation adopts and its shareholders (if required by Section 11.03) approve the exchange.

(b) The plan of exchange must set forth:

(1) The name of the corporation whose shares will be acquired and the name of the acquiring corporation;

(2) The terms and conditions of the exchange; and

(3) The manner and basis of exchanging the shares to be acquired for shares, obligations, or other securities of the acquiring or any other corporation or for cash or other property in whole or part.

(c) The plan of exchange may set forth other provisions relating to the exchange.

(d) This section does not limit the power of a corporation to acquire all or part of the shares of one or more classes or series of another corporation through a voluntary exchange or otherwise.

Section 11.03. ACTION ON PLAN.

(a) After adopting a plan of merger or share exchange, the board of directors of each corporation party to the merger, and the board of directors of the corporation whose shares will be acquired in the share exchange, shall submit the plan of merger (except as provided in subsection (g)) or share exchange for approval by its shareholders.

(b) For a plan of merger or share exchange to be approved:

(1) The board of directors must recommend the plan of merger or share exchange to the shareholders, unless the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders with the plan; and

(2) The shareholders entitled to vote must approve the plan.

(c) Subject to the corporation's articles of incorporation, the board of directors may condition its submission of the proposed merger or share exchange on any basis, except that the board of directors may not decrease the vote required for approval under subsection (e).

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with Section 7.05. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger or share exchange and contain or be accompanied by a copy or summary of the plan.

(e) Unless this chapter or the articles of incorporation require a greater or lesser vote or a vote by voting groups, or the board of directors (acting pursuant to subsection (c)) requires a greater vote or a vote by voting groups, the plan of merger or share exchange to be authorized must be approved by each voting group entitled to vote separately on the plan by two thirds of all the votes entitled to be cast on the plan by that voting group; but in no case may the vote required for shareholder approval be set at less than a majority of the votes entitled to be cast on the plan by each voting group.

(f) Separate voting by voting groups is required:

(1) On a plan of merger if the plan contains a provision that, if contained in a proposed amendment to articles of incorporation, would require action by one or more separate voting groups on the proposed amendment under Section 10.04;

(2) On a plan of share exchange by each class or series of shares included in the exchange, with each class or series constituting a separate voting group.

(g) Action by the shareholders of the surviving corporation on a plan of merger is not required if:

(1) The articles of incorporation of the surviving corporation will not differ (except for amendments enumerated in Section 10.02) from its articles before the merger;

(2) Each shareholder of the surviving corporation whose shares were outstanding immediately before the effective date of the merger will hold the same number of shares, with identical designations, preferences, limitations, and relative rights, immediately after;

(3) The number of voting shares outstanding immediately after the merger, plus the number of voting shares issuable as a result of the merger (either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger) will not exceed by more than 20 percent the total number of voting shares of the surviving corporation outstanding immediately before the merger; and

(4) The number of participating shares outstanding immediately after the merger, plus the number of participating shares issuable as a result of the merger (either by the conversion of securities issued pursuant to the merger or the exercise of rights and warrants issued pursuant to the merger), will not exceed by more than 20 percent the total number of participating shares outstanding immediately before the merger.

(h) As used in subsection (g):

(1) "Participating shares" means shares that entitle their holders to participate without limitation in distributions.

(2) "Voting shares" means shares that entitle their holders to vote unconditionally in elections of directors.

(i) After a merger or share exchange is authorized, and at any time before articles of merger or share exchange are filed, the planned merger or share exchange may be abandoned (subject to any contractual rights), without further shareholder action, in accordance with the procedure set forth in the plan of merger or share exchange or, if none is set forth, in the manner determined by the board of directors.

Section 11.04. MERGER OF SUBSIDIARY.

(a) Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, a parent corporation owning at least 80 percent of the outstanding shares of each class of a subsidiary corporation may merge the subsidiary into itself without approval of the shareholders of the parent or subsidiary.

(b) The board of directors of the parent shall adopt a plan of merger that sets forth:

(1) The names of the parent and subsidiary; and

(2) The manner and basis of converting the shares of the subsidiary into shares, obligations, or other securities of the parent or any other corporation or into cash or other property in whole or part.

(c) The parent shall mail a copy or summary of the plan of merger to each shareholder of the subsidiary who does not waive the mailing requirement in writing.

(d) The parent may not deliver articles of merger to the Secretary of State for filing until at least 30 days after the date it mailed a copy of the plan of merger to each shareholder of the subsidiary who did not waive the mailing requirement.

(e) Articles of merger under this section may not contain amendments to the articles of incorporation of the parent corporation (except for amendments enumerated in Section 10.02).

Section 11.05. ARTICLES OF MERGER OR SHARE EXCHANGE.

(a) After a plan of merger or share exchange is approved by the shareholders, or adopted by the board of directors if shareholder approval is not required, the surviving or acquiring corporation shall deliver to the Secretary of State for filing articles of merger or share exchange setting forth:

(1) The plan of merger or share exchange;

(2) If shareholder approval was not required, a statement to that effect;

(3) If approval of the shareholders of one or more corporations party to the merger or share exchange was required:

(i) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan as to each corporation; and

(ii) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group; and

(4) As to each domestic corporation, the county in which its articles of incorporation are filed.

(b) A merger or share exchange takes effect upon the effective date of the articles of merger or share exchange.

Section 11.06. EFFECT OF MERGER OR SHARE EXCHANGE.

(a) When a merger takes effect:

(1) Every other corporation party to the merger merges into the surviving corporation and the separate existence of every corporation except the surviving corporation ceases;

(2) The surviving corporation thereupon and thereafter possesses all the rights, immunities, and franchises, of a public as well as of a private nature, of every corporation party to the merger; and all property, real, personal and mixed, and all debts due each of the corporations so merged, are taken and deemed to be transferred and vested in the surviving corporation without further act or deed; and title to any real estate, or an interest therein, vested in any of such corporations shall not revert nor in any way be impaired by reason of such merger;

(3) The surviving corporation shall be responsible and liable for all the liabilities and obligations of each corporation party to the merger; and neither the rights of creditors nor any liens upon the property of any corporation party to the merger shall be impaired by the merger;

(4) Any claim existing or action or proceeding pending by or against any corporation party to the merger may be prosecuted, or continued, as if the merger had not taken place, or the surviving corporation may be substituted in the action or proceeding for the corporation whose existence ceased;

(5) The articles of incorporation of the surviving corporation are amended to the extent provided in the plan of merger; and

(6) The shares of each corporation party to the merger that are to be converted into shares, obligations, or other securities of the surviving or any other corporation or into cash or other property are converted and the former holders of the shares are entitled only to the rights provided in the articles of merger or to their rights under Article 13.

(b) When a share exchange takes effect, the shares of each acquired corporation are exchanged as provided in the plan, and the former holders of the shares are entitled only to the exchange rights provided in the articles of share exchange or to their rights under Article 13.

Section 11.07. MERGER OR SHARE EXCHANGE WITH FOREIGN CORPORATION.

(a) Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, one or more foreign

corporations may merge or enter into a share exchange with one or more domestic corporations if:

(1) In a merger, the merger is permitted by the law of the state or country under whose law each foreign corporation is incorporated and each foreign corporation complies with that law in effecting the merger;

(2) In a share exchange, the corporation whose shares will be acquired is a domestic corporation, whether or not a share exchange is permitted by the law of the state or country under whose law the acquiring corporation is incorporated;

(3) The foreign corporation complies with Section 11.05 if it is the surviving corporation of the merger or acquiring corporation of the share exchange; and

(4) Each domestic corporation complies with the applicable provisions of Sections 11.01 through 11.04 and, if it is the surviving corporation of the merger or acquiring corporation of the share exchange, with Section 11.05.

(b) Upon the merger or share exchange taking effect, the surviving foreign corporation of a merger and the acquiring foreign corporation of a share exchange is deemed:

(1) To appoint the Secretary of State as its agent for service of process in a proceeding to enforce any obligation or the rights of dissenting shareholders of each domestic corporation party to the merger or share exchange; and

(2) To agree that it will promptly pay to the dissenting shareholders of each domestic corporation party to the merger or share exchange the amount, if any, to which they are entitled under Article 13.

(c) This section does not limit the power of a foreign corporation to acquire all or part of the shares of one or more classes or series of a domestic corporation through a voluntary exchange or otherwise.

Section 11.08. MERGER OF LIMITED PARTNERSHIP WITH CORPORATION.

Insofar as they are applicable, the provisions of Article 11 of this chapter shall apply to mergers pursuant to Article 10A of Chapter 9A, Title 10, between corporations and domestic limited partnerships and "other business entities" as defined in said Article 10A. Domestic limited partnerships and business entities shall be treated as corporations for purposes of applying the procedures, requirements and effects prescribed in said Article 11 of this chapter.

ARTICLE 12. SALE OR MORTGAGE OF ASSETS.

Section 12.01. SALE OF ASSETS IN REGULAR COURSE OF BUSINESS AND MORTGAGE OF ASSETS.

(a) Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, a corporation may, on the terms and conditions and for the consideration determined by the board of directors:

(1) Sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property in the usual and regular course of business;

(2) Mortgage, pledge, dedicate to the repayment of indebtedness (whether with or without recourse), or otherwise encumber any or all of its property whether or not in the usual and regular course of business; or

(3) Transfer any or all of its property to a corporation all the shares of which are owned by the corporation.

(b) Unless the articles of incorporation require it, approval by the shareholders of a transaction described in subsection (a) is not required.

Section 12.02. SALE OF ASSETS OTHER THAN IN REGULAR COURSE OF BUSINESS.

(a) Subject to the limitations of the Constitution of Alabama as the same may be amended from time to time, a corporation may sell, lease, exchange, or otherwise dispose of all, or substantially all, of its property (with or without the good will), otherwise than in the usual and regular course of business on the terms and conditions and for the consideration determined by the corporation's board of directors, if the board of directors proposes and its shareholders approve the proposed transaction.

(b) For a transaction to be authorized:

(1) The board of directors must recommend the proposed transaction to the shareholders unless the board of directors determines that because of a conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders with the submission of the proposed transaction; and

(2) The shareholders entitled to vote must approve the transaction.

(c) Subject to the corporation's articles of incorporation, the board of directors may condition its submission of the proposed

transaction on any basis, except that the board of directors may not decrease the vote required for approval under subsection (e).

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with Section 7.05. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the sale, lease, exchange, or other disposition of all, or substantially all, the property of the corporation and contain or be accompanied by a description of the transaction.

(e) Unless the articles of incorporation require a greater or lesser vote or a vote by voting groups, or the board of directors (acting pursuant to subsection (c)) requires a greater vote or a vote by voting groups, the transaction to be authorized must be approved by each voting group entitled to vote separately on the transaction by two thirds of all the votes entitled to be cast on the transaction by that voting group; but in no case may the vote required for shareholder approval be set at less than a majority of all the votes entitled to be cast on the transaction by each voting group.

(f) After a sale, lease, exchange, or other disposition of property is authorized, the transaction may be abandoned (subject to any contractual rights) without further shareholder action.

(g) A transaction that constitutes a distribution is governed by Section 6.40 and not by this section.

ARTICLE 13. DISSENTERS' RIGHTS.

DIVISION A. RIGHT TO DISSENT AND OBTAIN PAYMENT FOR SHARES.

Section 13.01. DEFINITIONS.

(1) "Corporate action" means the filing of articles of merger or share exchange by the Probate Judge or Secretary of State, or other action giving legal effect to a transaction that is the subject of dissenters' rights.

(2) "Corporation" means the issuer of shares held by a dissenter before the corporate action, or the surviving or acquiring corporation by merger or share exchange of that issuer.

(3) "Dissenter" means a shareholder who is entitled to dissent from corporate action under Section 13.02 and who exercises that right when and in the manner required by Sections 13.20 through 13.28.

(4) "Fair Value," with respect to a dissenter's shares, means the value of the shares immediately before the effectuation of the

corporate action to which the dissenter objects, excluding any appreciation or depreciation in anticipation of the corporate action unless exclusion would be inequitable.

(5) "Interest" means interest from the effective date of the corporate action until the date of payment, at the average rate currently paid by the corporation on its principal bank loans, or, if none, at a rate that is fair and equitable under all circumstances.

(6) "Record shareholder" means the person in whose name shares are registered in the records of a corporation or the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation.

(7) "Beneficial shareholder" means the person who is a beneficial owner of shares held in a voting trust or by a nominee as the record shareholder.

(8) "Shareholder" means the record shareholder or the beneficial shareholder.

Section 13.02. RIGHT TO DISSENT.

(a) A shareholder is entitled to dissent from, and obtain payment of the fair value of his or her shares in the event of, any of the following corporate actions:

(1) Consummation of a plan of merger to which the corporation is a party (i) if shareholder approval is required for the merger by Section 11.03 or the articles of incorporation and the shareholder is entitled to vote on the merger or (ii) if the corporation is a subsidiary that is merged with its parent under Section 11.04;

(2) Consummation of a plan of share exchange to which the corporation is a party as the corporation whose shares will be acquired, if the shareholder is entitled to vote on the plan;

(3) Consummation of a sale or exchange by all, or substantially all, of the property of the corporation other than in the usual and regular course of business, if the shareholder is entitled to vote on the sale or exchange, including a sale in dissolution, but not including a sale pursuant to court order or a sale for cash pursuant to a plan by which all or substantially all of the net proceeds of the sale will be distributed to the shareholders within one year after the date of sale;

(4) To the extent that the articles of incorporation of the corporation so provide, an amendment of the articles of incorporation that materially and adversely affects rights in respect to a dissenter's shares because it:

(i) Alters or abolishes a preferential right of the shares;

(ii) Creates, alters, or abolishes a right in respect of redemption, including a provision respecting a sinking fund for the redemption or repurchase of the shares;

(iii) Alters or abolishes a preemptive right of the holder of the shares to acquire shares or other securities;

(iv) Excludes or limits the right of the shares to vote on any matter, or to cumulate votes, other than a limitation by dilution through issuance of shares or other securities with similar voting rights; or

(v) Reduces the number of shares owned by the shareholder to a fraction of a share if the fractional share so created is to be acquired for cash under Section 6.04; or

(5) Any corporate action taken pursuant to a shareholder vote to the extent the articles of incorporation, bylaws, or a resolution of the board of directors provides that voting or nonvoting shareholders are entitled to dissent and obtain payment for their shares.

- (b) A shareholder entitled to dissent and obtain payment for shares under this chapter may not challenge the corporate action creating his or her entitlement unless the action is unlawful or fraudulent with respect to the shareholder or the corporation.

Section 13.03. DISSENT BY NOMINEES AND BENEFICIAL OWNERS.

(a) A record shareholder may assert dissenters' rights as to fewer than all of the shares registered in his or her name only if he or she dissents with respect to all shares beneficially owned by any one person and notifies the corporation in writing of the name and address of each person on whose behalf he or she asserts dissenters' rights. The rights of a partial dissenter under this subsection are determined as if the shares to which he or she dissents and his or her other shares were registered in the names of different shareholders.

(b) A beneficial shareholder may assert dissenters' rights as to shares held on his or her behalf only if:

(1) He or she submits to the corporation the record shareholder's written consent to the dissent not later than the time the beneficial shareholder asserts dissenters' rights; and

(2) He or she does so with respect to all shares of which he or she is the beneficial shareholder or over which he or she has power to direct the vote.

DIVISION B. PROCEDURE FOR EXERCISE OF DISSENTERS' RIGHTS.

Section 13.20. NOTICE OF DISSENTERS' RIGHTS.

(a) If proposed corporate action creating dissenters' rights under Section 13.02 is submitted to a vote at a shareholders' meeting, the meeting notice must state that shareholders are or may be entitled to assert dissenters' rights under this article and be accompanied by a copy of this article.

(b) If corporate action creating dissenters' rights under Section 13.02 is taken without a vote of shareholders, the corporation shall (1) notify in writing all shareholders entitled to assert dissenters' rights that the action was taken; and (2) send them the dissenters' notice described in Section 13.22.

Section 13.21. NOTICE OF INTENT TO DEMAND PAYMENT.

(a) If proposed corporate action creating dissenters' rights under Section 13.02 is submitted to a vote at a shareholder's meeting, a shareholder who wishes to assert dissenters' rights (1) must deliver to the corporation before the vote is taken written notice of his or her intent to demand payment or his or her shares if the proposed action is effectuated; and (2) must not vote his or her shares in favor of the proposed action.

(b) A shareholder who does not satisfy the requirements of subsection (a) is not entitled to payment for his or her shares under this article.

Section 13.22. DISSENTERS' NOTICE.

(a) If proposed corporate action creating dissenters' rights under Section 13.02 is authorized at a shareholders' meeting, the corporation shall deliver a written dissenters' notice to all shareholders who satisfied the requirements of Section 13.21.

(b) The dissenters' notice must be sent no later than 10 days after the corporate action was taken, and must:

- (1) State where the payment demand must be sent;
- (2) Inform holders of shares to what extent transfer of the shares will be restricted after the payment demand is received;
- (3) Supply a form for demanding payment;
- (4) Set a date by which the corporation must receive the payment demand, which date may not be fewer than 30 nor more than 60 days after the date the subsection (a) notice is delivered; and
- (5) Be accompanied by a copy of this article.

Section 13.23. DUTY TO DEMAND PAYMENT.

(a) A shareholder sent a dissenters' notice described in Section 13.22 must demand payment in accordance with the terms of the dissenters' notice.

(b) The shareholder who demands payment retains all other rights of a shareholder until those rights are canceled or modified by the taking of the proposed corporate action.

(c) A shareholder who does not demand payment by the date set in the dissenters' notice is not entitled to payment for his or her shares under this article.

(d) A shareholder who demands payment under subsection (a) may not thereafter withdraw that demand and accept the terms offered under the proposed corporate action unless the corporation shall consent thereto.

Section 13.24. SHARE RESTRICTIONS.

(a) Within 20 days after making a formal payment demand, each shareholder demanding payment shall submit the certificate or certificates representing his or her shares to the corporation for (1) notation thereon by the corporation that such demand has been made and (2) return to the shareholder by the corporation.

(b) The failure to submit his or her shares for notation shall, at the option of the corporation, terminate the shareholders' rights under this article unless a court of competent jurisdiction, for good and sufficient cause, shall otherwise direct.

(c) If shares represented by a certificate on which notation has been made shall be transferred, each new certificate issued therefor shall bear similar notation, together with the name of the original dissenting holder of such shares.

(d) A transferee of such shares shall acquire by such transfer no rights in the corporation other than those which the original dissenting shareholder had after making demand for payment of the fair value thereof.

Section 13.25. OFFER OF PAYMENT.

(a) As soon as the proposed corporate action is taken, or upon receipt of a payment demand, the corporation shall offer to pay each dissenter who complied with Section 13.23 the amount the corporation estimates to be the fair value of his or her shares, plus accrued interest.

(b) The offer of payment must be accompanied by:

(1) The corporation's balance sheet as of the end of a fiscal year ending not more than 16 months before the date of the offer, an income statement for that year, and the latest available interim financial statements, if any;

(2) A statement of the corporation's estimate of the fair value of the shares;

- (3) An explanation of how the interest was calculated;
- (4) A statement of the dissenter's right to demand payment under Section 13.28; and

- (5) A copy of this article.

(c) Each dissenter who agrees to accept the corporation's offer of payment in full satisfaction of his or her demand must surrender to the corporation the certificate or certificates representing his or her shares in accordance with terms of the dissenters' notice. Upon receiving the certificate or certificates, the corporation shall pay each dissenter the fair value of his or her shares, plus accrued interest, as provided in subsection (a). Upon receiving payment, a dissenting shareholder ceases to have any interest in the shares.

Section 13.26. FAILURE TO TAKE CORPORATE ACTION.

(a) If the corporation does not take the proposed action within 60 days after the date set for demanding payment, the corporation shall release the transfer restrictions imposed on shares.

(b) If, after releasing transfer restrictions, the corporation takes the proposed action, it must send a new dissenters' notice under Section 13.22 and repeat the payment demand procedure.

Section 13.28. PROCEDURE IF SHAREHOLDER DISSATISFIED WITH OFFER OF PAYMENT.

(a) A dissenter may notify the corporation in writing of his or her own estimate of the fair value of his or her shares and amount of interest due, and demand payment of his or her estimate, or reject the corporation's offer under Section 13.25 and demand payment of the fair value of his or her shares and interest due, if:

(1) The dissenter believes that the amount offered under Section 13.25 is less than the fair value of his or her shares or that the interest due is incorrectly calculated;

(2) The corporation fails to make an offer under Section 13.25 within 60 days after the date set for demanding payment; or

(3) The corporation, having failed to take the proposed action, does not release the transfer restrictions imposed on shares within 60 days after the date set for demanding payment.

(b) A dissenter waives his or her right to demand payment under this section unless he or she notifies the corporation of his or her demand in writing under subsection (a) within 30 days after the corporation offered payment for his or her shares.

DIVISION C. JUDICIAL APPRAISAL OF SHARES.

Section 13.30. COURT ACTION.

(a) If a demand for payment under Section 13.28 remains unsettled, the corporation shall commence a proceeding within 60 days after receiving the payment demand and petition the court to determine the fair value of the shares and accrued interest. If the corporation does not commence the proceeding within the 60 day period, it shall pay each dissenter whose demand remains unsettled the amount demanded.

(b) The corporation shall commence the proceeding in the circuit court of the county where the corporation's principal office (or, if none in this state, its registered office) is located. If the corporation is a foreign corporation without a registered office in this state, it shall commence the proceeding in the county in this state where the registered office of the domestic corporation merged with or whose shares were acquired by the foreign corporation was located.

(c) The corporation shall make all dissenters (whether or not residents of this state) whose demands remain unsettled parties to the proceeding as in an action against their shares, and all parties must be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided under the Alabama Rules of Civil Procedure.

(d) After service is completed, the corporation shall deposit with the clerk of the court an amount sufficient to pay unsettled claims of all dissenters party to the action in an amount per share equal to its prior estimate of fair value, plus accrued interest, under Section 13.25.

(e) The jurisdiction of the court in which the proceeding is commenced under subsection (b) is plenary and exclusive. The court may appoint one or more persons as appraisers to receive evidence and recommend decision on the question of fair value. The appraisers have the powers described in the order appointing them, or in any amendment to it. The dissenters are entitled to the same discovery rights as parties in other civil proceedings.

(f) Each dissenter made a party to the proceeding is entitled to judgment for the amount the court finds to be the fair value of his or her shares, plus accrued interest. If the court's determination as to the fair value of a dissenter's shares, plus accrued interest, is higher than the amount estimated by the corporation and deposited with the clerk of the court pursuant to subsection (d), the corporation shall pay the excess to the dissenting shareholder. If the court's determination as to fair value, plus accrued interest, of a dissenter's shares is less than the amount estimated by the corporation and deposited with the clerk of the court pursuant to subsection (d), then the clerk shall return the balance of funds deposited, less any costs under Section 13.31, to the corporation.

(g) Upon payment of the judgment, and surrender to the corporation of the certificate or certificates representing the appraised shares, a dissenting shareholder ceases to have any interest in the shares.

Section 13.31. COURT COSTS AND COUNSEL FEES.

(a) The court in an appraisal proceeding commenced under Section 13.30 shall determine all costs of the proceeding, including compensation and expenses of appraisers appointed by the court. The court shall assess the costs against the corporation, except that the court may assess costs against all or some of the dissenters, in amounts the court finds equitable, to the extent the court finds the dissenters acted arbitrarily, vexatiously, or not in good faith in demanding payment under Section 13.28.

(b) The court may also assess the reasonable fees and expenses of counsel and experts for the respective parties, in amounts the court finds equitable:

(1) Against the corporation and in favor of any or all dissenters if the court finds the corporation did not substantially comply with the requirements of Sections 13.20 through 13.28; or

(2) Against either the corporation or a dissenter, in favor of any other party, if the court finds that the party against whom the fees and expenses are assessed acted arbitrarily, vexatiously, or not in good faith with respect to the rights provided by this chapter.

(c) If the court finds that the services of counsel for any dissenter were of substantial benefit to other dissenters similarly situated, and that the fees for those services should not be assessed against the corporation, the court may award to these counsel reasonable fees to be paid out of the amounts awarded the dissenters who were benefitted.

Section 13.32. STATUS OF SHARES AFTER PAYMENT.

Shares acquired by a corporation pursuant to payment of the agreed value therefor or to payment of the judgment entered therefor, as in this chapter provided, may be held and disposed of by such corporation as in the case of other treasury shares, except that, in the case of a merger or share exchange, they may be held and disposed of as the plan of merger or share exchange may otherwise provide.

ARTICLE 14. DISSOLUTION.

DIVISION A. VOLUNTARY DISSOLUTION.

Section 14.01. DISSOLUTION BY INCORPORATORS OR INITIAL DIRECTORS.

A majority of the incorporators or initial directors of a corporation that has not issued shares or has not commenced business

may dissolve the corporation by delivering for filing to the Probate Judge articles of dissolution that set forth:

- (1) The name of the corporation;
- (2) The date of its incorporation;
- (3) Either (i) that none of the corporation's shares has been issued or (ii) that the corporation has not commenced business;
- (4) That no debt of the corporation remains unpaid;
- (5) That the net assets of the corporation remaining after winding up have been distributed to the shareholders, if shares were issued; and
- (6) That a majority of the incorporators or initial directors authorized the dissolution.

Section 14.02. DISSOLUTION BY BOARD OF DIRECTORS AND SHAREHOLDERS.

(a) A corporation's board of directors may propose dissolution for submission to the shareholders.

(b) For a proposal to dissolve to be adopted:

(1) The board of directors must recommend dissolution to the shareholders unless the board of directors determines that because of conflict of interest or other special circumstances it should make no recommendation and communicates the basis for its determination to the shareholders; and

(2) The shareholders entitled to vote must approve the proposal to dissolve as provided in subsection (e).

(c) Subject to the corporation's articles of incorporation, the board of directors may condition its submission of the proposal for dissolution on any basis, except that the board of directors may not decrease the vote required for approval under subsection (e).

(d) The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with Section 7.05. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider dissolving the corporation.

(e) Unless the articles of incorporation require a greater or lesser vote or a vote by voting groups, or the board of directors (acting pursuant to subsection (c)) requires a greater vote or a vote by voting groups, the proposal to dissolve to be adopted must be approved by each voting group entitled to vote separately on the proposal by two-thirds of all the votes entitled to be cast on the proposal by that voting group; but in no case may the vote

required for shareholder approval be set at less than a majority of all the votes entitled to be cast on the proposal by each voting group.

(f) In lieu of the procedure set forth in subsections (a) through (e) above, a corporation may be dissolved by the written consent of all of its shareholders, whether or not otherwise entitled to vote, without action by the corporation's board of directors.

Section 14.03. ARTICLES OF DISSOLUTION.

(a) At any time after dissolution is authorized, the corporation may dissolve by delivering to the Probate Judge for filing articles of dissolution setting forth:

- (1) The name of the corporation;
- (2) The date dissolution was authorized;
- (3) If dissolution was approved by the shareholders:

(i) The number of votes entitled to be cast on the proposal to dissolve; and

(ii) Either the total number of votes cast for and against dissolution or the total number of undisputed votes cast for dissolution and a statement that the number cast for dissolution was sufficient for approval.

(4) If voting by voting groups was required, the information required by subparagraph (3) must be separately provided for each voting group entitled to vote separately on the plan to dissolve.

(5) If dissolution was approved by written consent of all shareholders under Section 14.02(f), a statement to that effect in lieu of the information required by subparagraphs (3) and (4), and a copy of the written consent or consents signed by all shareholders of the corporation.

(b) A corporation is dissolved upon the effective date of its articles of dissolution.

Section 14.04. REVOCATION OF DISSOLUTION.

(a) A corporation may revoke its dissolution within 120 days of its effective date.

(b) Revocation of dissolution must be authorized in the same manner as the dissolution was authorized unless that authorization permitted revocation by action of the board of directors alone, in which event the board of directors may revoke without shareholder action.

(c) After the revocation of dissolution is authorized, the corporation may revoke the dissolution by delivering to the Probate

Judge for filing articles of revocation of dissolution, together with a copy of its articles of dissolution, that set forth:

- (1) The name of the corporation;
 - (2) The effective date of the dissolution that was revoked;
 - (3) The date that the revocation of dissolution was authorized;
 - (4) If the corporation's board of directors (or incorporators) revoked the dissolution effected pursuant to Section 14.01, a statement to that effect;
 - (5) If the corporation's board of directors revoked a dissolution authorized by the shareholders pursuant to Section 14.02, a statement that revocation was permitted by action by the board of directors alone pursuant to authorization; and
 - (6) If shareholder action was required to revoke the dissolution effected pursuant to Section 14.02, the information required by Section 14.03(a)(3) or (4) or by Section 14.03(a)(5).
- (d) Revocation of dissolution is effective upon the effective date of the articles of revocation of dissolution.
- (e) When the revocation of dissolution is effective, it relates back to and takes effect as of the effective date of the dissolution and the corporation resumes carrying on its business as if dissolution had never occurred.

Section 14.05. EFFECT OF DISSOLUTION.

(a) A dissolved corporation continues its corporate existence but may not carry on any business except that appropriate to wind up and liquidate its business and affairs, including:

- (1) Collecting its assets;
- (2) Disposing of its properties that will not be distributed in kind to its shareholders;
- (3) Discharging or making provision for discharging its liabilities;
- (4) Distributing its remaining property among its shareholders according to their interests; and
- (5) Doing every other act necessary to wind up and liquidate its business and affairs.

(b) Dissolution of a corporation does not:

- (1) Alter the limited liability status of its subscribers and shareholders under Section 6.22, except as provided in Section 14.07(d)(2) with respect to assets distributed to a shareholder in liquidation;

- (2) Transfer title to the corporation's property;
- (3) Prevent transfer of its shares or securities, although the authorization to dissolve may provide for closing the corporation's share transfer records;
- (4) Subject its directors or officers to standards of conduct different from those prescribed in Article 8;
- (5) Change quorum or voting requirements for its board of directors or shareholders; change provisions for selection, resignation, or removal of its directors or officers or both; or change provisions for amending its bylaws;
- (6) Prevent commencement of a proceeding by or against the corporation in its corporate name;
- (7) Abate or suspend a proceeding pending by or against the corporation on the effective date of dissolution;
- (8) Terminate the authority of the registered agent of the corporation; or
- (9) Result in the corporation's name becoming available for use by another corporation under Section 4.01 until the time for revocation of dissolution has elapsed or, in the case of a corporation administratively dissolved under Section 14.21, the time for filing an application for reinstatement has elapsed without the filing of such an application, or, if an application is filed, until its final adjudication, including all appeals.

Section 14.06. KNOWN CLAIMS AGAINST DISSOLVED CORPORATION.

(a) A dissolved corporation may dispose of the known claims against it by following the procedure described in this section.

(b) The dissolved corporation shall notify its known claimants in writing of the dissolution at any time after its effective date. The written notice must:

- (1) Describe information that must be included in a claim;
 - (2) Provide a mailing address where a claim may be sent;
 - (3) State the deadline, which may not be fewer than 120 days from the effective date of the written notice, by which the dissolved corporation must receive the claim; and
 - (4) State that the claim will be barred if not received by the deadline.
- (c) A claim against the dissolved corporation is barred:

(1) If a claimant who was given written notice under subsection (b) does not deliver the claim to the dissolved corporation by the deadline;

(2) If a claimant whose claim was rejected by the dissolved corporation does not commence a proceeding to enforce the claim within 90 days from the effective date of the rejection notice.

(d) For purposes of this section, “known claim” or “claim” includes unliquidated claims but does not include a contingent liability that has not matured so that there is no immediate right to bring suit, or a claim based on an event occurring after the effective date of dissolution.

Section 14.07. UNKNOWN CLAIMS AGAINST DISSOLVED CORPORATION.

(a) A dissolved corporation may also publish notice of its dissolution and request that persons with claims against the corporation present them in accordance with the notice.

(b) The notice must:

(1) Be published one time in a newspaper of general circulation in the county where the dissolved corporation’s principal office (or, if none in this state, its registered office) is or was last located;

(2) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and

(3) State that a claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication of the notice.

(c) If the dissolved corporation publishes a newspaper notice in accordance with subsection (b), the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within two years after the publication date of the newspaper notice:

(1) A claimant who did not receive written notice under Section 14.06;

(2) A claimant whose claim was timely sent to the dissolved corporation but not acted on;

(3) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

(d) A claim may be enforced under this section:

(1) Against the dissolved corporation, to the extent of its undistributed assets; or

(2) If the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of his or her pro rata share of the claim or the corporate assets distributed to him or her in liquidation, whichever is less, but a shareholder's total liability for all claims under this section may not exceed the total amount of assets distributed to him or her in liquidation.

(e) Nothing in this section shall be deemed to extend any otherwise applicable statute of limitations.

DIVISION B. ADMINISTRATIVE DISSOLUTION.

Section 14.20. GROUNDS FOR ADMINISTRATIVE DISSOLUTION.

The Secretary of State may commence a proceeding under Section 14.21 to administratively dissolve a corporation if:

(1) The corporation does not pay within six months after they are due any franchise taxes or penalties imposed by this chapter or other law;

(2) The corporation does not deliver its annual report to the Secretary of State within six months after it is due;

(3) The corporation is without a registered agent or registered office in this state for 60 days or more;

(4) The corporation does not notify the Secretary of State within 60 days that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued; or

(5) The corporation's period of duration stated in its articles of incorporation expires.

Section 14.21. PROCEDURE FOR AND EFFECT OF ADMINISTRATIVE DISSOLUTION.

(a) If the Secretary of State determines that one or more grounds exist under Section 14.20 for dissolving a corporation, he or she shall serve the corporation with written notice of his or her determination under Section 5.04.

(b) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the Secretary of State that each ground determined by the Secretary of State does not exist within 60 days after service of the notice is perfected under Section 5.04, the Secretary of State shall administratively dissolve the corporation by signing a certificate of dissolution that recites the ground or grounds for dissolution and its effective date. The Secretary of State shall file the original of the certificate, deliver a copy to the Probate Judge for filing, and serve a copy on the corporation under Section 5.04.

(c) A corporation administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under Section 14.05 and notify claimants under Sections 14.06 and 14.07, or to apply for reinstatement under Section 14.22.

(d) The administrative dissolution of a corporation does not terminate the authority of its registered agent.

Section 14.22. REINSTATEMENT FOLLOWING ADMINISTRATIVE DISSOLUTION.

(a) A corporation administratively dissolved under Section 14.21 may apply to the Secretary of State for reinstatement within two years after the effective date of dissolution. The application must:

(1) Recite the name and address of the corporation and the effective date of its administrative dissolution;

(2) State that the ground or grounds for dissolution either did not exist or have been eliminated;

(3) State that the corporation's name satisfies the requirements of Section 4.01; and

(4) Contain a certificate from the Department of Revenue reciting that all taxes owed by the corporation have been paid.

(b) If the Secretary of State determines that the application contains the information required by subsection (a) and that the information is correct, he or she shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites his or her determination and the effective date of reinstatement, file the original of the certificate and deliver a copy to the Probate Judge for filing, and serve a copy on the corporation under Section 5.04.

(c) When reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its business as if the administrative dissolution had never occurred.

Section 14.23. APPEAL FROM DENIAL OF REINSTATEMENT.

(a) If the Secretary of State denies a corporation's application for reinstatement following administrative dissolution, he or she shall serve the corporation under Section 5.04 with a written notice that explains the reason or reasons for denial.

(b) The corporation may appeal the denial of reinstatement to the circuit court of the county where its articles of incorporation are filed within 30 days after service of the notice of denial is perfected. A corporation created by an act of the Legislature prior to

the adoption of the Constitution of 1901 or which resulted from a merger or consolidation, may appeal to the Circuit Court of Montgomery County. The corporation appeals by petitioning the court to set aside the dissolution and attaching to the petition copies of the Secretary of State's certificate of dissolution, the corporation's application for reinstatement, and the Secretary of State's notice of denial.

(c) The court may summarily order the Secretary of State to reinstate the dissolved corporation, may order a trial de novo, or may take other action the court considers appropriate.

(d) The court's final decision may be appealed as in other civil proceedings.

DIVISION C. JUDICIAL DISSOLUTION.

Section 14.30. GROUNDS FOR JUDICIAL DISSOLUTION.

The circuit court of the county where a corporation's articles of incorporation are filed, or, in the case of corporations created by an act of the Legislature prior to the adoption of the Constitution of 1901 or which have resulted from a merger or consolidation, the Circuit Court of Montgomery County, may dissolve the corporation:

(1) In a proceeding by the attorney general if it is established that:

(i) The corporation obtained its articles of incorporation through fraud; or

(ii) The corporation has continued to exceed or abuse the authority conferred upon it by law;

(2) In a proceeding by a shareholder if it is established that:

(i) The directors are deadlocked in the management of the corporate affairs, the shareholders are unable to break the deadlock, and irreparable injury to the corporation is threatened or being suffered, or the business and affairs of the corporation can no longer be conducted to the advantage of the shareholders generally, because of the deadlock;

(ii) The directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent;

(iii) The shareholders are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired; or

(iv) The corporate assets are being misapplied or wasted.

(3) In a proceeding by a creditor if it is established that:

(i) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or

(ii) The corporation has admitted in writing that the creditor's claim is due and owing and the corporation is insolvent; or

(4) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

Section 14.31. PROCEDURE FOR JUDICIAL DISSOLUTION.

(a) Venue for a proceeding to dissolve a corporation lies in the county where a corporation's articles of incorporation are filed, or, in the case of a corporation created by an act of the Legislature prior to the adoption of the Constitution of 1901 or which resulted from a merger or consolidation, in Montgomery County.

(b) It is not necessary to make shareholders parties to a proceeding to dissolve a corporation unless relief is sought against them individually.

(c) A court in a proceeding brought to dissolve a corporation may issue injunctions, appoint a receiver or custodian pendente lite with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing can be held.

(d) Within 10 days of the commencement of a proceeding under Section 14.30(2) to dissolve a corporation that has no shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national securities exchange, the corporation must send to all shareholders, other than the petitioner, a notice stating that the shareholders are entitled to avoid the dissolution of the corporation by electing to purchase the petitioner's shares under Section 14.34 and accompanied by a copy of Section 14.34.

Section 14.32. RECEIVERSHIP OR CUSTODIANSHIP.

(a) A court in a judicial proceeding brought to dissolve a corporation may appoint one or more receivers to wind up and liquidate, or one or more custodians to manage the business and affairs of the corporation. The court shall hold a hearing, after notifying all parties to the proceeding and any interested persons designated by the court, before appointing a receiver or custodian. The court appointing a receiver or custodian has exclusive jurisdiction over the corporation and all of its property wherever located.

(b) The court may appoint an individual, domestic or foreign corporation (authorized to transact business in this state), or other

entity as receiver or custodian. The court may require the receiver or custodian to post bond, with or without sureties, in an amount the court directs.

(c) The court shall describe the powers and duties of the receiver or custodian in its appointing order, which may be amended from time to time. Among other powers:

(1) The receiver (i) may dispose of all or any part of the assets of the corporation wherever located, at a public or private sale, if authorized by the court; and (ii) may sue and defend in his or her own name as receiver of the corporation in all courts of this state;

(2) The custodian may exercise all of the powers of the corporation, through or in place of its board of directors or officers, to the extent necessary to manage the affairs of the corporation in the best interests of its shareholders and creditors.

(d) The court during a receivership may redesignate the receiver a custodian, and during a custodianship may redesignate the custodian a receiver, if doing so is in the best interests of the corporation, its shareholders, and creditors.

(e) The court from time to time during the receivership or custodianship may order compensation paid and expense disbursements or reimbursements made to the receiver or custodian and his or her counsel from the assets of the corporation or proceeds from the sale of the assets.

Section 14.33. DECREE OF DISSOLUTION.

(a) If after a hearing the court determines that one or more grounds for judicial dissolution described in Section 14.30 exist, it may enter a decree dissolving the corporation and specifying the effective date of the dissolution, and the clerk of the court shall **deliver a certified copy of the decree to the Probate Judge, who shall file it.**

(b) After entering the decree of dissolution, the court shall direct the winding up and liquidation of the corporation's business and affairs in accordance with Section 14.05 and the notification of claimants in accordance with Sections 14.06 and 14.07.

Section 14.34. ELECTION TO PURCHASE IN LIEU OF DISSOLUTION.

(a) In a proceeding under Section 14.30(2) to dissolve a corporation that has no shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association, the corporation may elect or, if it fails to elect, one or more shareholders may elect to purchase all shares owned by the petitioning shareholder

at the fair value of the shares. An election pursuant to this section shall be irrevocable unless the court determines that it is equitable to set aside or modify the election.

(b) An election to purchase pursuant to this section may be filed with the court at any time within 90 days after the filing of the petition under Section 14.30(2) or at such later time as the court in its discretion may allow. If the election to purchase is filed by one or more shareholders, the corporation shall, within 10 days thereafter, give written notice to all shareholders, other than the petitioner. The notice must state the name and number of shares owned by the petitioner and the name and number of shares owned by each electing shareholder and must advise the recipients of their right to join in the election to purchase shares in accordance with this section. Shareholders who wish to participate must file notice of their intention to join in the purchase no later than 30 days after the effective date of the notice to them. All shareholders who have filed an election or notice of their intention to participate in the election or purchase thereby become parties to the proceeding and shall participate in the purchase in proportion to their ownership of shares as of the date the first election was filed, unless they otherwise agree or the court directs. After an election has been filed by the corporation or one or more shareholders, the proceeding under Section 14.30(2) may not be discontinued or settled unless the court determines that it would be equitable to the corporation and the shareholders, other than the petitioner, to permit such discontinuance, settlement, sale, or other disposition.

(c) If, within 60 days of the filing of the first election, the parties reach agreement as to the fair value and terms of purchase of petitioner's shares, the court shall enter an order directing the purchase of petitioner's shares upon the terms and conditions agreed to by the parties.

(d) If the parties are unable to reach an agreement as provided for in subsection (c), the court, upon application by any party, shall stay the Section 14.30(2) proceedings and determine the fair value of the petitioner's shares as of the day before the date on which the petition under Section 14.30(2) was filed or as of such other date the court deems appropriate under the circumstances.

(e) Upon determining the fair value of the shares, the court shall enter an order directing the purchase upon such terms and conditions as the court deems appropriate, which may include payment of the purchase price in installments, where necessary in the interest of equity, provision for security to assure payment of the purchase price and any additional costs, fees, and expenses as may have been awarded, and, if the shares are to be purchased by

shareholders, the allocation of shares among them. In allocating petitioner's shares among holders of different classes of shares, the court should attempt to preserve the existing distribution of voting rights among holders of different classes insofar as practicable and may direct that holders of a specific class or classes shall not participate in the purchase. Interest may be allowed at the rate and from the date determined by the court to be equitable, but if the court finds that the petitioning shareholder had probable grounds for relief under paragraphs (ii) or (iv) of Section 14.30(2), it may award to the petitioning shareholder reasonable fees and expenses of counsel and of any experts employed by him or her.

(f) Upon entry of an order under subsections (c) or (e), the court shall dismiss the petition to dissolve the corporation under Section 14.30 and the petitioning shareholder shall no longer have any rights or status as a shareholder of the corporation except the right to receive the amounts awarded to him or her by the order of the court which shall be enforceable in the same manner as any other judgment.

(g) The purchase ordered pursuant to subsection (e) shall be made within 10 days after the date the order becomes final unless before that time the corporation files with the court a notice of its intention to adopt articles of dissolution pursuant to Sections 14.02 and 14.03, which articles must then be adopted and filed within 50 days thereafter. Upon filing of such articles of dissolution, the corporation shall be dissolved in accordance with the provisions of Sections 14.05 through 14.07, and the order entered pursuant to subsection (e) shall no longer be of any force or effect, except that the court may award the petitioning shareholder reasonable fees and expenses in accordance with the provisions of the last sentence of subsection (e) and the petitioner may continue to pursue any claims previously asserted on behalf of the corporation.

(h) Any payment by the corporation pursuant to an order under subsections (c) or (e) other than an award of fees and expenses pursuant to subsection (e), is subject to the provisions of Section 6.40.

DIVISION D. MISCELLANEOUS.

Section 14.40. DEPOSIT WITH STATE TREASURER.

Assets of a dissolved corporation that should be transferred to a creditor, claimant, or shareholder of the corporation who cannot be found or who is not competent to receive them shall be reduced to cash and deposited with the Commissioner of Revenue for safe-keeping. When the creditor, claimant, or shareholder furnishes satisfactory proof of entitlement to the amount deposited, the Commissioner of Revenue shall pay him or her or his or her representative that amount.

ARTICLE 15. FOREIGN CORPORATIONS.

DIVISION A. CERTIFICATE OF AUTHORITY.

Section 15.01. AUTHORITY TO TRANSACT BUSINESS REQUIRED.

(a) A foreign corporation may not transact business in this state until it obtains a certificate of authority from the Secretary of State.

(b) Except as provided in Division D, the provisions of this article do not apply to corporations organized under the laws of the United States.

Section 15.02. CONSEQUENCES OF TRANSACTING BUSINESS WITHOUT AUTHORITY.

(a) A foreign corporation transacting business in this state without a certificate of authority or without complying with Sections 40-14-1 through 40-14-3, 40-14-21, or 40-14-41 may not maintain a proceeding in any court in this state until it obtains a certificate of authority, complies with Sections 40-14-1 through 40-14-3, Section 40-14-21 and Section 40-14-41, and discharges its liability under subsection (d) hereof.

(b) The successor to a foreign corporation that transacted business in this state without a certificate of authority and the assignee of a cause of action arising out of that business may not maintain a proceeding based on that cause of action in any court in this state until the foreign corporation or its successor obtains a certificate of authority.

(c) A court may stay a proceeding commenced by a foreign corporation, its successor, or assignee until it determines whether the foreign corporation or its successor requires a certificate of authority or has failed to comply with Sections 40-14-1 through 40-14-3, Section 40-14-21, or Section 40-14-41. If it so determines, the court may further stay the proceeding until the foreign corporation or its successor obtains the certificate, complies with Sections 40-14-1 through 40-14-3, 40-14-21, and 40-14-41, and satisfies any liability to this state under subsection (d) hereof.

(d) A foreign corporation transacting business in this state without a certificate of authority shall be liable to this state, for the years or parts thereof during which it transacted business in this state without a certificate of authority, in an amount equal to treble the amount of all fees and taxes that would have been imposed upon such corporation had it duly applied for and received a certificate of authority to transact business in this state as required by this article and thereafter filed all required reports,

plus all interest and penalties imposed for failure to pay such fees and taxes.

(e) Notwithstanding subsections (a) and (b), and notwithstanding any provision of Chapter 14, Title 40, the failure of a foreign corporation to obtain a certificate of authority or to comply with Sections 40-14-1 through 40-14-3, Section 40-14-21, or Section 40-14-41 does not impair the validity of its corporate acts or prevent it from defending any proceeding in this state.

Section 15.03. APPLICATION FOR CERTIFICATE OF AUTHORITY.

(a) A foreign corporation may apply for a certificate of authority to transact business in this state by delivering an application to the Secretary of State for filing. The application must set forth:

(1) The name of the foreign corporation or, if its name is unavailable for use in this state, a corporate name that satisfies the requirements of Section 15.06;

(2) The name of the state or other jurisdiction under whose law it is incorporated;

(3) Its date of incorporation and period of duration;

(4) The street address of its principal office;

(5) The address of its registered office in this state and the name of its registered agent at that office; and

(6) The names and usual business addresses of its current directors and officers.

(b) The foreign corporation shall deliver with the completed application a copy of its articles of incorporation or association and all amendments thereto duly certified by the Secretary of State or other official having custody of corporate records in the state or other jurisdiction under whose law it is incorporated.

Section 15.04. AMENDED CERTIFICATE OF AUTHORITY.

(a) A foreign corporation authorized to transact business in this state must obtain an amended certificate of authority from the Secretary of State if it changes:

(1) Its corporate name;

(2) The period of its duration; or

(3) The state or jurisdiction of its incorporation.

(b) The requirements of Section 15.03 for obtaining an original certificate of authority apply to obtaining an amended certificate under this section.

Section 15.05. EFFECT OF CERTIFICATE OF AUTHORITY.

(a) A certificate of authority authorizes the foreign corporation to which it is issued to transact business in this state subject, however, to the right of the state to revoke the certificate as provided in this chapter.

(b) A foreign corporation with a valid certificate of authority has the same but no greater rights and has the same but no greater privileges as, and except as otherwise provided by this chapter is subject to the same duties, restrictions, penalties, and liabilities now or later imposed on, a domestic corporation of like character.

(c) This chapter does not authorize this state to regulate the organization or internal affairs of a foreign corporation authorized to transact business in this state.

Section 15.06. CORPORATE NAME OF FOREIGN CORPORATION.

(a) If the corporate name of a foreign corporation does not satisfy the requirements of Section 4.01, the foreign corporation to obtain or maintain a certificate of authority to transact business in this state:

(1) May add the word "corporation" or "incorporated" or an abbreviation of one of such words, or if a banking corporation the words "bank," "banking," or "bankers" to its corporate name for use in this state; or

(2) May use a fictitious name that satisfies the requirements of Section 4.01 to transact business in this state if its real name is unavailable and it delivers to the Secretary of State for filing a copy of the resolution of its board of directors, certified by its secretary, adopting the fictitious name.

(b) Except as authorized by subsections (c) and (d), the corporate name (including a fictitious name) of a foreign corporation must not be the same as or deceptively similar to:

(1) The corporate name of a corporation incorporated or authorized to transact business in this state;

(2) A corporate name reserved or registered under Section 4.02 or 4.03; or

(3) The fictitious name of another foreign corporation authorized to transact business in this state.

(c) A foreign corporation may apply to the Secretary of State for authorization to use in this state the name of another corporation (incorporated or authorized to transact business in this state) that is the same as or deceptively similar to the name applied for. The Secretary of State shall authorize use of the name applied for if:

(1) The other corporation consents to the use in writing and submits an undertaking in form satisfactory to the Secretary of State to change its name to a name that is not the same as or deceptively similar to the name of the applying corporation; or

(2) The applicant delivers to the Secretary of State a certified copy of a final judgment of a court of competent jurisdiction establishing the applicant's right to use the name applied for in this state.

(d) A foreign corporation may use in this state the name (including the fictitious name) of another domestic or foreign corporation that is used in this state if the other corporation is incorporated or authorized to transact business in this state and the foreign corporation:

(1) Has merged with the other corporation;

(2) Has been formed by reorganization of the other corporation; or

(3) Has acquired all or substantially all of the assets, including the corporate name, of the other corporation.

(e) If a foreign corporation authorized to transact business in this state changes its corporate name to one that does not satisfy the requirements of Section 4.01, it may not transact business in this state under the changed name until it adopts a name satisfying the requirements of Section 4.01 and obtains an amended certificate of authority under Section 15.04.

Section 15.07. REGISTERED OFFICE AND REGISTERED AGENT OF FOREIGN CORPORATION.

Each foreign corporation authorized to transact business in this state must continuously maintain in this state.

(1) A registered office that may be the same as any of its places of business; and

(2) A registered agent, who may be:

(i) An individual who resides in this state and whose business office is identical with the registered office;

(ii) A domestic corporation or nonprofit domestic corporation whose business office is identical with the registered office; or

(iii) A foreign corporation authorized to transact business in this state or nonprofit foreign corporation authorized to conduct affairs in this state whose business office is identical with the registered office.

Section 15.08. CHANGE OF REGISTERED OFFICE OR REGISTERED AGENT OF FOREIGN CORPORATION.

(a) A foreign corporation authorized to transact business in this state may change its registered office or registered agent by delivering to the Secretary of State for filing a statement of change that sets forth:

- (1) Its name;
- (2) The street address of its current registered office;
- (3) If the current registered office is to be changed, the street address of its new registered office;
- (4) The name of its current registered agent;
- (5) If the current registered agent is to be changed, the name of its new registered agent and the new registered agent's written consent (either on the statement or attached to it) to the appointment; and
- (6) That after the change or changes are made, the street addresses of its registered office and the business office of its registered agent will be identical.

(b) If a registered agent changes the street address of his or her business office, he or she may change the street address of the registered office of any foreign corporation for which he or she is the registered agent by notifying the corporation in writing of the change and signing (either manually or in facsimile) and delivering to the Secretary of State for filing a statement of change that complies with the requirements of subsection (a) and recites that the corporation has been notified of the change.

Section 15.09. RESIGNATION OF REGISTERED AGENT OF FOREIGN CORPORATION.

(a) The registered agent of a foreign corporation may resign his or her agency appointment by signing and delivering to the Secretary of State for filing the original and two exact or conformed copies of a statement of resignation. The statement of resignation may include a statement that the registered office is also discontinued.

(b) After filing the statement, the Secretary of State shall attach the filing receipt to one copy and mail the copy and receipt to the registered office if not discontinued. The Secretary of State shall mail the other copy to the foreign corporation at its principal office address shown in its most recent annual report.

(c) The agency appointment is terminated, and the registered office discontinued if so provided, on the 31st day after the date on which the statement was filed.

Section 15.10. SERVICE ON FOREIGN CORPORATION.

(a) The registered agent of a foreign corporation authorized to transact business in this state is the corporation's agent for service of process, notice, or demand required or permitted by law to be served on the foreign corporation.

(b) A foreign corporation may be served as provided by the Alabama Rules of Civil Procedure if the foreign corporation:

(1) Has no registered agent or its registered agent cannot be with reasonable diligence served;

(2) Has withdrawn from transacting business in this state under Section 15.20; or

(3) Has had its certificate of authority revoked under Section 15.31.

(c) This section does not prescribe the only means, or necessarily the required means, of serving a foreign corporation.

Section 15.11. OUT OF STATE BUSINESS OR PROPERTY OF FOREIGN CORPORATION NOT SUBJECT TO CONTROL OR REGULATION.

(a) The public interest lying in the promotion of business and industry in this state, it is the intent of the Legislature and declared to be the policy of the State of Alabama by passage of this section to promote and encourage industry and business in Alabama and specifically to induce the location within this state of the principal administrative office, principal distribution or manufacturing plant or principal place of business of foreign corporations engaged in manufacturing, industrial, commercial, business, transportation, utility, public service, and research enterprises. **This section shall be liberally construed in conformity with said intention.**

(b) When a foreign corporation that transacts only a portion of its business in this state has located, or is in the process of locating, its principal administrative office, its principal distribution or manufacturing plant or its principal place of business in this state, the authority, jurisdiction or power conferred by any law of this state on any agency, commission, department, or instrumentality of the state to control or regulate such foreign corporation, its business, property, securities or obligations shall not be deemed to apply to, and shall not be exercised with respect to, that portion of its business transacted or its property located without the state nor to the securities or obligations of such foreign corporation; provided that nothing contained in this section shall be construed to repeal, alter, or modify any of the provisions of Title 8 relating to securities.

Section 15.12. RIGHT OF EMINENT DOMAIN.

Foreign corporations that have complied with the Constitution and laws of this state as to doing business herein shall have the same right of eminent domain and the same remedies for enforcing such rights as domestic corporations of like kind and character possess.

Section 15.13. EXTENSION OF LINES, TRACKS, WAYS, OR WORKS INTO STATE.

Any foreign corporation which has complied with the Constitution and laws of this state for doing business herein and which is engaged in constructing or operating a streetcar, electric light, telegraph, telephone or power lines, pipelines, or works in an adjoining state may extend its lines, tracks, ways, pipelines, or works into this state and connect with other lines, pipelines, ways or works of similar or like character and, for such purposes, may have and exercise the same rights, privileges, immunities and remedies as to right of eminent domain and condemnation proceedings as are had and exercised by domestic corporations engaged in like or similar business.

DIVISION B. WITHDRAWAL.

Section 15.20. WITHDRAWAL OF FOREIGN CORPORATION.

(a) A foreign corporation authorized to transact business in this state may not withdraw from this state until it obtains a certificate of withdrawal from the Secretary of State.

(b) A foreign corporation authorized to transact business in this state may apply for a certificate of withdrawal by delivering an application to the Secretary of State for filing. The application must set forth:

(1) The name of the foreign corporation and the name of the state or country under whose law it is incorporated;

(2) That it is not transacting business in this state and that it surrenders its authority to transact business in this state;

(3) That it revokes the authority of its registered agent to accept service on its behalf and appoints the Secretary of State as its agent for service of process in any proceeding based on a cause of action arising during the time it was authorized to transact business in this state;

(4) A mailing address to which the Secretary of State may mail a copy of any process served on him or her under subdivision (3); and

(5) A commitment to notify the Secretary of State in the future of any change in its mailing address.

(c) After the withdrawal of the corporation is effective, service of process on the Secretary of State under this section is service on

the foreign corporation. Upon receipt of process, the Secretary of State shall mail a copy of the process to the foreign corporation at the mailing address set forth under subsection (b).

DIVISION C. REVOCATION OF CERTIFICATE OF AUTHORITY.

Section 15.30. GROUNDS FOR REVOCATION.

The Secretary of State may commence a proceeding under Section 15.31 to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The foreign corporation does not deliver its annual report to the Secretary of State within 180 days after it is due;

(2) The foreign corporation does not pay within 180 days after they are due any franchise taxes, permit fees, qualification fee or admission tax, or interest or penalties imposed by this chapter or other law;

(3) The foreign corporation is without a registered agent or registered office in this state for 60 days or more;

(4) The foreign corporation does not inform the Secretary of State under Section 15.08 or 15.09 that its registered agent has resigned, or that its registered office has been discontinued within 60 days of the change, resignation, or discontinuance;

(5) An incorporator, director, officer, or agent of the foreign corporation signed a document he or she knew was false in any material respect with intent that the document be delivered to the Secretary of State for filing;

(6) The Secretary of State receives a duly authenticated certificate from the Secretary of State or other official having custody of corporate records in the state or country under whose laws the foreign corporation is incorporated stating that it has been dissolved or disappeared as the result of a merger.

Section 15.31. PROCEDURE FOR AND EFFECT OF REVOCATION.

(a) If the Secretary of State determines that one or more grounds exist under Section 15.30 for revocation of a certificate of authority, he or she shall serve the foreign corporation with written notice of his or her determination under Section 15.10.

(b) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the Secretary of State that each ground determined by the Secretary of State does not exist within 60 days after service of the notice is perfected under Section 15.10, the Secretary of State may revoke the foreign corporation's certificate of authority by signing a certificate

of revocation that recites the ground or grounds for revocation and its effective date. The Secretary of State shall file the original of the certificate and serve a copy on the foreign corporation under Section 15.10.

(c) The authority of a foreign corporation to transact business in this state ceases on the date shown on the certificate revoking its certificate of authority.

(d) The Secretary of State's revocation of a foreign corporation's certificate of authority appoints the Secretary of State the foreign corporation's agent for service of process in any proceeding based on a cause of action which arose during the time the foreign corporation was authorized to transact business in this state. Service of process on the Secretary of State under this subsection is service on the foreign corporation. Upon receipt of process, the Secretary of State shall mail a copy of the process to the secretary of the foreign corporation at its principal office shown in its most recent annual report or in any subsequent communication received from the corporation stating the current mailing address of its principal office, or, if none are on file, in its application for a certificate of authority.

(e) Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

Section 15.32. APPEAL FROM REVOCATION.

(a) A foreign corporation may appeal the Secretary of State's revocation of its certificate of authority to the Circuit Court of Montgomery County within 30 days after service of the certificate of revocation is perfected under Section 15.10. The foreign corporation appeals by petitioning the court to set aside the revocation and attaching to the petition copies of its certificate of authority and the Secretary of State's certificate of revocation.

(b) The court may summarily order the Secretary of State to reinstate the certificate of authority, may order a trial de novo, or may take any other action the court considers appropriate.

(c) The court's final decision may be appealed as in other civil proceedings.

DIVISION D. ACTING IN A FIDUCIARY CAPACITY.

Section 15.40. DEFINITIONS.

The term "foreign corporation," as used in this division, shall mean:

(1) Any bank or other corporation now or hereafter organized or existing under the laws of any state of the United States other than the State of Alabama; and

(2) Any national banking association or other corporation organized under the laws of the United States having its principal place of business in any state of the United States other than Alabama.

Section 15.41. AUTHORITY OF FOREIGN CORPORATION TO ACT AS FIDUCIARY.

(a) Any foreign corporation may act in this state as trustee, executor, administrator of any kind, guardian or in any other like or similar fiduciary capacity, whether the appointment is by law, will, deed, inter vivos trust, mortgage, deed of trust, court order or otherwise, without the necessity of complying with any law of this state relating to the qualification of foreign corporations to do business in this state or the licensing of foreign corporations to do business in this state and notwithstanding any prohibition, limitation or restriction contained in any law of this state; provided only, that:

(1) Such foreign corporation is authorized to act in such fiduciary capacity, or capacities, in the state in which it is incorporated or, if such foreign corporation is a national banking association or other corporation organized under the laws of the United States, in the state in which it has its principal place of business; and

(2) Any bank or other corporation organized under the laws of this state or a national banking association or other corporation organized under the laws of the United States having its principal place of business in this state may act in all such fiduciary capacities in that state without further showing or qualification other than that it is authorized to act in such fiduciary capacities in this state and compliance with the law of that state, if any, concerning service of process on nonresident fiduciaries.

(3) ~~Nothing contained in this division shall be construed to prohibit or make unlawful any activity in this state by a bank or other corporation which is not incorporated under the laws of this state, or, if a national bank or other corporation organized under the laws of the United States, which does not have its principal place of business in this state which would be lawful in the absence of this division.~~

Section 15.42. FILING OF VERIFIED STATEMENT WITH COMMISSIONER OF REVENUE BY FOREIGN CORPORATION PRIOR TO ACTING AS FIDUCIARY.

Prior to the time when any foreign corporation acts pursuant to the authority of this article in any fiduciary capacity or capacities in this state, such foreign corporation shall file with the Commissioner of Revenue of this state a verified statement which shall state:

- (1) The correct corporate name of such foreign corporation;
- (2) The name of the state under the laws of which it is incorporated or if such foreign corporation is a national banking association or other corporation organized under the laws of the United States shall state that fact;
- (3) The address of its principal business office;
- (4) In what fiduciary capacity, or capacities, it desires to act in the State of Alabama;
- (5) That it is authorized to act in a similar fiduciary capacity or capacities in the state in which it is incorporated or, if it is a national banking association or other corporation organized under the laws of the United States, in which it has its principal place of business; and
- (6) Such statement shall irrevocably appoint the Commissioner of Revenue of Alabama as its true and lawful attorney to receive service of process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which such foreign corporation may act in this state in any such fiduciary capacity.

Such statement shall be verified by an officer of such foreign corporation, and there shall be filed with it such certificates of public officials and copies of documents certified by public officials as may be necessary to show that such foreign corporation is authorized to act in a fiduciary capacity or capacities similar to those in which it desires to act in the State of Alabama in the state in which it is incorporated or, if it is a national banking association or other corporation organized under the laws of the United States, in which it has its principal place of business.

Section 15.43. FOREIGN CORPORATION ACTING AS FIDUCIARY NOT DEEMED DOING BUSINESS IN THIS STATE.

A foreign corporation, insofar as it acts in a fiduciary capacity in this state pursuant to the provisions of this division, shall not be deemed to be transacting business in this state, but no foreign corporation shall establish or maintain in this state a place of business, branch office or agency for the conduct of business as a fiduciary.

Section 15.44. FOREIGN CORPORATION PREVIOUSLY ACTING IN FIDUCIARY CAPACITY IN STATE.

The provisions of this division shall not prohibit any foreign corporation authorized to act in a fiduciary capacity or capacities in the state in which it is incorporated or any national banking association or other corporation organized under the laws of the

United States authorized to act in a fiduciary capacity or capacities in its principal place of business which, prior to April 14, 1956, or in the case of a corporation other than a national banking association, prior to the effective date of this chapter, was acting or appointed to act in this state in a particular fiduciary capacity or capacities, from continuing in the performance of said fiduciary activity or activities without complying with the provisions of this division.

Section 15.45. SERVICE OF PROCESS ON FOREIGN CORPORATION ACTING IN FIDUCIARY CAPACITY.

Every foreign corporation acting in a fiduciary capacity in this state pursuant to the terms of this division shall be deemed to have appointed the Commissioner of Revenue to be its true and lawful attorney upon whom may be served all legal process in any action or proceeding against it relating to or growing out of any trust, estate or matter in respect of which such foreign corporation shall have acted in this state in any fiduciary capacity. Service of such process shall be made by delivering a copy of the summons or other process, with a copy of the petition or complaint when service of such copy is required by law, to the Commissioner of Revenue or to any person in his or her office authorized by him or her to receive such service. The Commissioner of Revenue shall immediately forward such process, together with the copy of the petition or complaint, if any, to such foreign corporation by registered or certified mail, addressed to it at the address on file with the commissioner or, if there is none on file, then at its last known address. The Commissioner of Revenue shall keep a permanent record in his or her office showing all for all process served, the style of the action or proceeding, the court in which it was brought, the name and title of the officer serving such process, the day and hour of service, the day of mailing by registered or certified mail to such foreign corporation and the address to which mailed. In case such process is issued by a magistrate or other inferior court, the same may be directed to and served by an officer authorized to serve process in the city or county where the Commissioner of Revenue shall have his or her office at least 30 days before the return thereof.

ARTICLE 16. RECORDS AND REPORTS.

DIVISION A. RECORDS.

Section 16.01. CORPORATE RECORDS.

(a) A corporation shall keep as permanent records minutes of all meetings of its shareholders and board of directors, a record of all actions taken by the shareholders or board of directors without a meeting, and a record of all actions taken by a committee of the

board of directors in place of the board of directors on behalf of the corporation.

(b) A corporation shall maintain appropriate accounting records.

(c) A corporation or its agent shall maintain a record of its shareholders, in a form that permits preparation of a list of the names and addresses of all shareholders, in alphabetical order by class or shares showing the number and class of shares held by each.

(d) A corporation shall maintain its records in written form or in another form capable of conversion into written form within a reasonable time.

(e) Each domestic corporation and any foreign corporation having its principal office within this state shall keep a copy of the following records at its principal office:

(1) Its articles or restated articles of incorporation and all amendments to them currently in effect;

(2) Its bylaws or restated bylaws and all amendments to them currently in effect;

(3) Resolutions adopted by its board of directors creating one or more classes or series of shares, and fixing their relative rights, preferences, and limitations, if shares issued pursuant to those resolutions are outstanding;

(4) The minutes of all shareholders' meetings, and records of all actions taken by shareholders without a meeting, for the past three years;

(5) All written communications to shareholders generally within the past three years, including the financial statements furnished for the past three years under Section 16.20;

(6) A list of the names and business addresses of its current directors and officers; and

(7) Its most recent annual report delivered to the Secretary of State under Section 16.22, or public record information filed with the Department of Revenue in lieu thereof.

Section 16.02. INSPECTION OF RECORDS BY SHAREHOLDERS.

(a) A shareholder of a domestic corporation or of a foreign corporation with its principal office within this state is entitled to inspect and copy, during regular business hours at the corporation's principal office, or if its principal office is outside this state,

at a reasonable location within this state, specified by the corporation, any of the records of the corporation described in Section 16.01(e) if he or she gives the corporation written notice of his or her demand at least five business days before the date on which he or she wishes to inspect and copy.

(b) A shareholder of a domestic corporation or of a foreign corporation with its principal office within this state who shall have been a holder of record of shares for 180 days immediately preceding his or her demand or who is the holder of record of at least five percent of the outstanding shares is entitled to inspect and copy during regular business hours at a reasonable location within this state specified by the corporation, or in the case of accounting records of the corporation, if the records are maintained outside the state and inspection and copying within this state is impracticable, at a reasonable location outside the state specified by the corporation, for any proper purpose, all of its books, papers, records of account, minutes and record of shareholders, if the shareholder gives the corporation written notice of his or her demand, stating the purpose therefor, at least five business days before the date on which he or she wishes to inspect and copy. Provided, however, if a corporation is engaged in the business of banking, its books and records of account and minutes relating to the private financial affairs of borrowers and depositors who are neither officers, directors, or employees of the corporation nor related to or engaged in business with an officer, director, or employee shall not be subject to examination by such a shareholder or by his or her agent or attorney in the absence of an order of a court of competent jurisdiction, after inspection of such books and records of account and minutes in camera, that such examination is necessary; and said order shall be subject to review in the supreme court of Alabama on writ of mandamus. Provided, further, that if a corporation is engaged in the business of banking, **its said books and records of account and minutes shall be deemed** not to include any reports of examination by state or federal supervisory agencies nor any actions taken nor reports made by the corporation to bank supervisory authorities pursuant thereto.

(c) Any officer or agent who, or a corporation which, without reasonable cause, shall refuse to allow any such shareholder, or his or her agent or attorney so to examine and make copies of and extracts from its books, papers, records of account, minutes and record of shareholders, for any proper purpose, shall be liable to such shareholder for a penalty of an amount not to exceed 10 percent of the value of the shares owned by such shareholder, in addition to any other damages or remedy afforded him or her by law. It shall be a defense to an action brought to collect the penalty specified in this section that the person suing therefor within the two years next preceding the demand has sold or offered for sale any

list of shareholders of such corporation, or any other corporation or knowingly has aided or abetted any person in procuring any list of shareholders, or improperly has used any information secured through any prior examination of the books, papers, records of account, minutes or record of shareholders, or was not acting in good faith or for a proper purpose in making this demand.

(d) The right of inspection granted by this section may not be abolished or limited by a corporation's articles of incorporation or bylaws.

(e) This section does not affect:

(1) The right of a shareholder to inspect records under Section 7.20 or, if the shareholder is in litigation with the corporation, to the same extent as any other litigant; or

(2) The power of a court, independently of this chapter, to compel the production of corporate records for examination.

(f) For purposes of this section, "shareholder" includes a beneficial owner whose shares are held in a voting trust or by a nominee on his or her behalf.

Section 16.03. SCOPE OF INSPECTION RIGHT.

(a) A shareholder's agent or attorney has the same inspection and copying rights as the shareholder he or she represents.

(b) The right to copy records under Section 16.02 includes, if reasonable, the right to receive copies made by photographic, xerographic, or other means.

(c) The corporation may impose a reasonable charge, covering the costs of labor and material, for copies of any documents provided to the shareholder. The charge may not exceed the estimated cost of reproduction of the records.

(d) The corporation may comply with a shareholder's demand to inspect the record of shareholders under Section 16.02(b)(3) by providing him or her with a list of its shareholders that was compiled no earlier than the date of the shareholder's demand.

Section 16.04. COURT-ORDERED INSPECTION.

(a) If a domestic corporation or a foreign corporation with its principal office within this state does not allow a shareholder who complies with Section 16.02(a) to inspect and copy any records required by that subsection to be available for inspection, the circuit court of the county where the corporation's principal office (or, if none in this state, its registered office) is located may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the shareholder.

(b) If a domestic corporation or a foreign corporation with its principal office within this state does not within a reasonable time allow a shareholder to inspect and copy any other record, the shareholder who complies with Section 16.02(b) and (c) may apply to the circuit court in the county where the corporation's principal office (or, if none in this state, its registered office) is located for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited basis.

(c) If the court orders inspection and copying of the records demanded, it shall, in addition to any penalty or damages for which there is liability under Section 16.02(d), also order the corporation to pay the shareholder's costs (including reasonable counsel fees) incurred to obtain the order unless the corporation proves that it refused inspection in good faith because it had a reasonable basis for doubt about the right of the shareholder to inspect the records demanded.

(d) If the court orders inspection and copying of the records demanded, it may impose reasonable restrictions on the use or distribution of the records by the demanding shareholder.

DIVISION B. REPORTS.

Section 16.20. FINANCIAL STATEMENTS FOR SHAREHOLDERS.

(a) A corporation shall furnish its shareholders annual financial statements, which may be consolidated or combined statements of the corporation and one or more of its subsidiaries, as appropriate, that include a balance sheet as of the end of the fiscal year, an income statement for that year, and a statement of changes in shareholders' equity for the year unless that information appears elsewhere in the financial statements. If financial statements are prepared for the corporation on the basis of generally accepted accounting principles, the annual financial statements must also be prepared on that basis. If the financial statements for the corporation are not prepared on the basis of generally accepted accounting principles, the annual financial statements furnished shareholders may be prepared either on the same basis used by the corporation for filing its United States income tax returns or as required by appropriate regulatory agencies.

(b) If the annual financial statements are reported upon by a public accountant, his or her report must accompany them. If not, the statements must be accompanied by a statement of the president or the person responsible for the corporation's accounting records:

(1) Stating his or her reasonable belief whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation; and

(2) Describing any respects in which the statements were not prepared on a basis of accounting consistent with the statements prepared for the preceding year.

(c) A corporation shall mail the annual financial statements to each shareholder within 120 days after the close of each fiscal year. Thereafter, on written request from a shareholder who was not mailed the statements, the corporation shall mail him or her the latest financial statements.

Section 16.21. OTHER REPORTS TO SHAREHOLDERS.

If a corporation indemnifies or advances expenses to a director under Section 8.51, 8.53, or 8.54 in connection with a proceeding by or in the right of the corporation, the corporation shall report the indemnification or advance in writing to the shareholders with or before the notice of the next shareholders' meeting.

Section 16.22. ANNUAL REPORT FOR SECRETARY OF STATE.

(a) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall deliver to the Secretary of State for filing an annual report that sets forth:

(1) The name of the corporation and the state or other jurisdiction under whose law it is incorporated;

(2) The address of its registered office and the name of its registered agent at that office in this state;

(3) The address of its principal office including, in the case of a foreign corporation, the address of its principal office in the state or other jurisdiction under whose law it is incorporated;

(4) The names and respective addresses of its president and secretary; and

(5) A brief statement of the character of business in which it is actually engaged in this state.

(b) Information in the annual report must be current as of the date the annual report is executed on behalf of the corporation.

(c) The first annual report must be delivered to the Secretary of State between January 1 and March 15 of the year following the calendar year in which a domestic corporation was incorporated or a foreign corporation was authorized to transact business. Subsequent annual reports must be delivered to the Secretary of State between January 1 and March 15 of the following calendar years.

(d) If an annual report does not contain the information required by this section, the Secretary of State shall promptly notify the reporting domestic or foreign corporation in writing and

return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the Secretary of State within 30 days after the effective date of notice, it is deemed to be timely filed.

(e) The public record information filed with the Department of Revenue, pursuant to Sections 40-14-21 and 40-14-22, shall constitute and be accepted in lieu of the annual report required pursuant to this section, provided that a ten dollar (\$10) fee for the State of Alabama accompany the public record information filed by the corporation annually with the Department of Revenue. The fee for the annual report shall be deposited in the State Treasury to the credit of the Secretary of State Corporations Fund as prescribed by Section 1.22.

ARTICLE 17. APPLICATION.

Section 17.01. APPLICATION TO EXISTING DOMESTIC CORPORATIONS.

This chapter applies to all existing corporations organized under any general or special law of this state providing for the organization of corporations for a purpose or purposes for which a corporation might be organized under this chapter, where the power has been reserved to amend, repeal or modify the law under which such corporation was organized.

Section 17.02. APPLICATION TO QUALIFIED FOREIGN CORPORATIONS.

A foreign corporation authorized to transact business in this state on the effective date of this chapter is subject to this chapter but is not required to obtain a new certificate of authority to transact business under this chapter.

Section 17.03. SAVING PROVISIONS.

(a) Except as provided in subsection (b), the repeal of a statute by the act adding this chapter does not affect:

(1) The operation of the statute or any action taken under it before its repeal;

(2) Any ratification, right, remedy, privilege, obligation, or liability acquired, accrued, or incurred under the statute before its repeal;

(3) Any violation of the statute, or any penalty, forfeiture, or punishment incurred because of the violation, before its repeal;

(4) Any procedure, reorganization, or dissolution commenced under the statute before its repeal, and the proceeding, reorganization, or dissolution may be completed in accordance with the statute as if it had not been repealed.

(b) If a penalty or punishment imposed for violation of a statute repealed by this chapter is reduced by this chapter, the penalty or punishment if not already imposed shall be imposed in accordance with this chapter.

(c) Any reference to the "Alabama Business Corporation Act" or the like, in the articles of incorporation of a corporation in existence on the effective date of this chapter shall be construed as referring to this chapter, unless such construction is unreasonable, and any reference to a particular provision or section of the "Alabama Business Corporation Act" or the like in such articles shall be construed as referring to the corresponding provision of this chapter, unless such construction is unreasonable.

Section 2. SEVERABILITY.

If any provision of this act or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of the act are severable.

Section 3. REPEAL.

(a) The following sections and all amendments thereto and all other sections and parts of sections in the Code of Alabama 1975 inconsistent herewith are repealed:

10-2A-1 through 10-2A-2; 10-2A-20 through 10-2A-69; 10-2A-71 through 10-2A-79; 10-2A-90 through 10-2A-97; 10-2A-110 through 10-2A-122; 10-2A-140 through 10-2A-146; 10-2A-160 through 10-2A-163; 10-2A-170 through 10-2A-171; 10-2A-180 through 10-2A-203; 10-2A-220 through 10-2A-224.1; 10-2A-225 through 10-2A-247; 10-2A-260 through 10-2A-261; 10-2A-280 through 10-2A-284; and 10-2A-330 through 10-2A-339.

(b) The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith. Without limitation of the generality of the preceding sentence of this section, this act shall not repeal or supersede the following sections of the Code of Alabama 1975: 10-5-1 through 10-5-14, both inclusive; 10-2A-70 through 10-2A-70.2, both inclusive; 10-2A-300 through 10-2A-313, both inclusive; 10-6-1 through 10-6-4, both inclusive; 11-49-1; 8-6-90 through 8-6-95, both inclusive; or 8-6-70 through 8-6-80, both inclusive; but nothing contained in this sentence shall be construed as implying that any law not specifically listed herein is or is not repealed or superseded in this act.

Section 4. AMENDMENTS.

(a) Section 40-14-4, Code of Alabama 1975, is amended to read as follows:

"§40-14-4. Qualification of foreign corporation to do business in state, payment of interest and penalties.

"Any foreign corporation which engages in or transacts business in this state without first complying with the provisions of Sections 40-14-1 through 40-14-3 may thereafter qualify to do business in this state, but before so qualifying, such foreign corporation shall be required to pay all qualification fees or admission taxes required by sections 40-14-1 through 40-14-3 for all years or parts of years which it transacted business in this state, together with such interest and penalties thereon as may be assessed in accordance with law."

(b) Section 40-14-21, Code of Alabama 1975, is amended to read as follows:

"§40-14-21. Foreign corporations.

"Every foreign or nonresident corporation and all corporations organized under or by authority of the laws of any state or government other than the state of Alabama, in addition to other license and privilege taxes required to be paid by law, and for the purpose of registration and to prevent the duplication of names and in order to secure for the public record, for taxation and for other purposes, the names and addresses of the said corporations and individual officers thereof, shall be required to procure from the department of revenue, when it is admitted or authorized by law to do business and annually thereafter, a permit, which permit shall be prepared by and countersigned by the comptroller and shall be delivered by the comptroller to the department of revenue in a well-bound book with the stub and blanks therein showing the date thereof, the names of the corporations when issued and the character of business engaged in by said corporation. The issuance of such permit to any such corporation shall be prima facie evidence of its having complied with all the laws required of it before **engaging in business in this state.** For all such permits said corporation shall, upon admission and when authorized to do business as a corporation and annually thereafter, on or before March 15 of every year pay to the department of revenue a fee of \$5.00 per annum or for a part of a year, if the capital employed in this state of such corporation is less than \$1,000.00; if capital employed is \$1,000.00 and not over \$10,000.00, it shall pay the sum of \$10.00; if the capital employed in this state is in excess of \$10,000.00 but not in excess of \$25,000.00, a fee of \$20.00 shall be paid; if the capital employed in this state is in excess of \$25,000.00 and not in excess of \$50,000.00, the fee shall be \$50.00; and if the capital employed in this state is in excess of \$50,000.00, the fee shall be \$100.00. The tax base under this section shall be upon the actual amount of capital employed as determined under section 40-14-41. The department of revenue shall keep a full and complete account

of all moneys received by it for and on account of such permit and shall pay the same into the state treasury as all other moneys collected or received by it are paid into the state treasury. No corporation, its agents, officers or servants shall transact any business for or in the name of such corporation within the state of Alabama without having first procured said permit. Application for said permit shall be made by said corporation as provided by law, giving the name and address of said corporation, its principal place of business where organized, its principal place of business in Alabama, its agent upon whom process can be served, his or her address and the names of the president and secretary of said corporation, and the names and addresses of its directors residing in Alabama. Strictly benevolent, educational or religious corporations shall not be required to pay such permit fee.

"The application shall also include the state or country under the laws of which said corporation is incorporated, the address of the registered office of the corporation in this state and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated, as well as a brief statement of the character of business in which the corporation is actually engaged in this state and the names and addresses of the president and secretary of said corporation.

"Only information secured as a public record shall be transferred to the office of the secretary of state to be maintained for public information purposes.

"The secretary of state is only authorized to certify as a part of the records of the secretary of state's office information filed with the department of revenue pursuant to this section which is secured as a public record.

"For purposes of this section, the certification by an officer of the corporation, the receiver or trustees empowered to execute this application shall have the same legal effect as if made under oath."

(c) Section 10-2A-300, Code of Alabama 1975, is amended to read as follows:

"§10-2A-300. Law applicable to close corporations.

"(a) This article applies to all close corporations, as defined in section 10-2A-301. Unless a corporation elects to become a close corporation in the manner prescribed, it shall be subject in all respects to the provisions of this chapter, except this article dealing with close corporations.

"(b) All provisions of this chapter shall be applicable to all close corporations as defined in section 10-2A-301 except insofar as this article otherwise provides.

“(c) Neither election to become, nor operation as, a close corporation shall deprive any shareholder of such corporation of the limitation of liability provided under section 10-2A-43.

“(d) This chapter shall apply only to close corporations formed in accordance with Section 10-2A-302 or electing to become a close corporation pursuant to Section 10-2A-303 before January 1, 1995, and which has not voluntarily terminated its status as a close corporation or otherwise ceased to be a close corporation to which the provisions of this article apply before January 1, 1995.”

Section 5. EFFECTIVE DATE.

This act shall become effective at 12:01 a.m. on January 1, 1995, following the date of its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 21, 1994

Time: 1:47 P.M.

Act No. 94-246

H. 744 – Reps. Kennedy, Buskey, Clark (W)

AN ACT

Relating to Mobile County; to exempt The Friends of Magnolia Cemetery, Inc., from the payment of all county and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. In Mobile County, The Friends of Magnolia Cemetery, Inc., is exempted from paying any county and municipal sales or use taxes.

Section 2. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 21, 1994

Time: 1:48 P.M.

Act No. 94-247

S. 521 – Senator Mitchell

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Ozark in Dale County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

EXHIBIT "P"

A parcel of land in Dale County, Alabama, being more particularly described as: Beginning at a point where the south line of the Seaboard Coastline Railroad meets the west line of the NW 1/4 of the SE 1/4 of Section 35, T6N, R24E, this said west line also being the present corporate limits of the City of Ozark; thence north along the said west line of the NW 1/4 of the SE 1/4 of Section 35 for 450 feet, more or less, to the northwest corner of the said NW 1/4 of the SE 1/4; thence continue north along the city limits for 1320 feet, more or less, to the northwest corner of the SW 1/4 of the NE 1/4 of said Section 35; thence east along the north line of the said SW 1/4 of the NE 1/4 of Section 35 for 1320 feet, more or less, to the northeast corner of the SW 1/4 of the NE 1/4 of Section 35; thence south along the east line of the SW 1/4 of the NE 1/4 of Section 35 for 1320 feet, more or less, to the northwest corner of the NE 1/4 of the SE 1/4 of said Section 35; thence east along the north line of the said NE 1/4 of the SE 1/4 of Section 35 for 1320 feet, more or less, to the northeast corner of the said NE 1/4 of the SE 1/4 of Section 35; thence south along the east line of the said NE 1/4 of the SE 1/4, and the SE 1/4 of the SE 1/4 of said Section 35 for 1600 feet, more or less, to the south line of the Seaboard Coastline Railroad; thence northwest along the said south line of the railroad for 1255 feet, more or less, to a point where the said south line of the Seaboard Coastline Railroad meets the north line of the old Ozark to Ewell road; thence south along a line parallel to the west line of the NE 1/4 of the SE 1/4 and the SE 1/4 of the SE 1/4 of said Section 35 for 375 feet, more or less, to the southerly line of Jessie Lawrence Strickland; thence northwesterly along the said Lawrence Strickland property line for 260 feet, more or less, to the southwest corner of the said Lawrence Strickland property; thence northerly along the west line of the Lawrence Strickland property to the south line of the Great Southern Paper Co. property line; thence westerly along the said Great Southern south line for 915 feet, more or less, to the southwest corner of the Great Southern property; thence north along the Great Southern line for 244 feet, more or less, to the south line of the Seaboard Coastline Railroad; thence northwesterly along the said south line of the railroad for 350 feet, more or less, to the point of beginning. Said parcel being in the NE 1/4 of the SE 1/4, SE 1/4 of the SE 1/4, SW 1/4 of the SE 1/4, NW 1/4 of the SE 1/4 and the SW 1/4 of the NE 1/4 all of Section 35, T6N, R24E and containing 105 acres, more or less

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be

annexed to the City of Ozark is on file in the office of the Judge of Probate in Dale County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 21, 1994

Time: 1:49 P.M.

Act No. 94-248

H. 29 – Rep. Holladay

AN ACT

To amend Section 17-4-156 of the Code of Alabama 1975, relating to meeting days for county boards of registrars to further provide for the maximum number of meeting days for certain boards of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-4-156 of the Code of Alabama 1975, is amended to read as follows:

“§17-4-156.

“(a) Each member of the board of registrars in the counties of Blount, Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dallas, Escambia, Geneva, Hale, Henry, Lawrence, Limestone, Lowndes, Marengo, Perry, Sumter, Talladega, Washington, and Wilcox may meet a maximum of 120 working days each fiscal year beginning October 1, 1984, and thereafter; each member of the board of registrars in the counties of Barbour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marion, Pickens, Pike, Randolph, and Winston may meet a maximum of 168 working days each fiscal year beginning October 1, 1984, and thereafter, except in the counties of Lee and Pike each board of registrars may meet up to an additional 30 session days each fiscal year, at the discretion of the chairman of the county commission, beginning October 1, 1985, and thereafter and such days shall be paid from the respective county funds; each member of the board of registrars in the counties of Dale, Franklin, Houston, Marshall, Bullock, Macon, St. Clair, and Tuscaloosa may meet a maximum of 216 working days each fiscal year beginning October 1, 1984, and thereafter; and each member of the boards of registrars in the counties of DeKalb, Elmore, Jackson, Russell, and Shelby may meet a maximum of 167 working days each fiscal year beginning October 1, 1984, and thereafter.

“(b) In the counties of Choctaw, Coffee, Colbert, Cullman, and Monroe, each member of the board of registrars may meet a

maximum of 199 working days each fiscal year beginning October 1, 1984, and thereafter.

“(c) Each member of the board of registrars of Etowah, Autauga, Bibb, and Tallapoosa counties may meet a maximum of 187 working days each fiscal year. Each member of the board of registrars of Walker county may meet a maximum of 180 days each fiscal year and each member of the board of registrars of Lamar county may meet a maximum of 140 days each fiscal year.

“(d) Each member of the board of registrars in the counties of Baldwin, Calhoun, Chilton, Madison, Mobile, Montgomery, and Morgan are authorized to meet not more than five days each week for the purpose of carrying out their official duties. Jefferson county, which is now operating under the provisions of local bills, shall be exempted from the provisions of this section. Provided, however, that where the words ‘each year’ are used in the local acts the words mean ‘each fiscal year beginning October 1, 1984, and thereafter.’

“(e) The actual number of working days to be used as session days shall be determined by a quorum of the board according to the needs of the county.

“(f) As many as 25 of the allotted working days may be used for special registration sessions (i.e., those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 P.M. and 9:00 P.M.). Notice of any special session scheduled by the board shall be given at least 10 days prior to the special session by: (1) bills posted at three or more public places in each election precinct affected, if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both by newspaper or announcement.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 22, 1994

Time: 11:30 A.M.

Act No. 94-249

H. 250 – Rep. Millican

AN ACT

To amend Section 17-4-156, Code of Alabama 1975, relating to the working days of the boards of registrars, to provide further for the working days of the Marion County Board of Registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-4-156, Code of Alabama 1975, is amended to read as follows:

“§17-4-156.

“(a) Each member of the board of registrars in the counties of Blount, Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dallas, Escambia, Geneva, Hale, Henry, Lawrence, Limestone, Lowndes, Marengo, Perry, Sumter, Talladega, Washington, and Wilcox may meet a maximum of 120 working days each fiscal year beginning October 1, 1984, and thereafter; each member of the board of registrars in the counties of Barbour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Pickens, Pike, Randolph, St. Clair, and Winston may meet a maximum of 168 working days each fiscal year beginning October 1, 1984, and thereafter, except in the counties of Lee and Pike each board of registrars may meet up to an additional 30 session days each fiscal year, at the discretion of the chairman of the county commission, beginning October 1, 1985, and thereafter and such days shall be paid from the respective county funds; each member of the board of registrars in the counties of Dale, Franklin, Houston, Marshall, Marion, Bullock, Macon, and Tuscaloosa may meet a maximum of 216 working days each fiscal year beginning October 1, 1984, and thereafter; and each member of the boards of registrars in the counties of DeKalb, Elmore, Jackson, Russell, and Shelby may meet a maximum of 167 working days each fiscal year beginning October 1, 1984, and thereafter.

“(b) In the counties of Choctaw, Coffee, Colbert, Cullman, and Monroe, each member of the board of registrars may meet a maximum of 199 working days each fiscal year beginning October 1, 1984, and thereafter.

“(c) Each member of the board of registrars of Etowah, Autauga, Bibb, and Tallapoosa counties may meet a maximum of 187 working days each fiscal year. Each member of the board of registrars of Walker county may meet a maximum of 180 days each fiscal year and each member of the board of registrars of Lamar county may meet a maximum of 140 days each fiscal year.

“(d) Each member of the board of registrars in the counties of Baldwin, Calhoun, Chilton, Madison, Mobile, Montgomery, and Morgan are authorized to meet not more than five days each week for the purpose of carrying out their official duties. Jefferson county, which is now operating under the provisions of local bills, shall be exempted from the provisions of this section. Provided, however, that where the words ‘each year’ are used in such local acts such words shall mean ‘each fiscal year beginning October 1, 1984, and thereafter.’

“(e) The actual number of working days to be used as session days shall be determined by a quorum of the board according to the needs of the county.

“(f) As many as 25 of the allotted working days may be used for special registration sessions (i.e., those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 P.M. and 9:00 P.M.) which special sessions are hereby authorized. Notice of any special session scheduled by the board must be given at least 10 days prior to the session by (1) bills posted at three or more public places in each election precinct affected, if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 22, 1994

Time: 11:31 A.M.

Act No. 94-250 H. 359 – Reps. Hall (A), Drake, Freeman, Crow,
Turner, Kvalheim, Hogan, Page,
Hall (L), Rogers (J), Hilliard, Penry,
Butler, Burke, Millican, Parker (P),
Rockhold, Cagle, Bowling

AN ACT

To amend Section 11-43-144, Code of Alabama 1975, to provide for administration of certain death benefits for fire fighters by the State Board of Adjustment.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-43-144, Code of Alabama 1975, is amended to read as follows:

“§11-43-144.

“(a) As used in this section the following words and terms shall have the meanings ascribed to them herein unless a contrary meaning is indicated by the context;

“(1) CITY. Any municipality of the state, regardless of its population.

"(2) FIRE FIGHTER. A person employed as a fire fighter by a city.

"(3) FIRE FIGHTER'S OCCUPATIONAL DISEASE. Any condition or impairment of health caused by any of the following:

"a. hypertension.

"b. heart disease.

"c. respiratory disease.

"d. cancer which manifests itself in a fire fighter during the period in which the fire fighter is in the service of the city, provided the fire fighter demonstrates that he or she was exposed, while in the employ of the city, to a known carcinogen, as defined by the International Agency for Research on Cancer, and that carcinogen is reasonably linked to the disabling cancer, and the cancer shall be presumed to arise out of and in the course of the fire fighter's employment unless the city demonstrates by a preponderance of the evidence that the cancer was caused by some other means.

"(4) DISABILITY. Disability to perform duties as a fire fighter.

"(5) BENEFIT. Any monetary allowance payable by a city or from a pension system established for the firemen of a city to a fire fighter on account of his or her disability or to his or her dependents on account of his or her death, irrespective of whether the same is payable under a pension law of the state or under some other law of the state.

"(b) This section shall apply to fire fighters who, upon entering the service of the city as fire fighters, have successfully passed a physical examination which failed to reveal any evidence of a fire fighter's occupational disease and who have completed at least three years' service as fire fighters.

"If a physical examination was not required at the time of entry into service, a fire fighter who has had completed at least three years' continuous service as a fire fighter next preceding September 8, 1967, shall be deemed eligible for benefits under this section.

"(c) If a fire fighter who qualifies for benefits under this section suffers disability as a result of a fire fighter's occupational disease his or her disability shall be compensable the same as any service-connected disability under any law which provides benefits for fire fighters of the city injured in the line of duty. If a fire fighter who qualifies for benefits under this section dies as the result of a fire fighter's occupational disease, his or her death shall be compensable to the same extent as the death of a fire fighter killed in the line of duty, and shall be considered to have been killed in the line of duty for purposes of Title 36, Chapter 30, Sections 1 to 7, inclusive."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 22, 1994

Time: 11:32 A.M.

Act No. 94-251

H.J.R. 143 – Reps. Dolbare, Turner

HOUSE JOINT RESOLUTION

EXPRESSING DISAPPROVAL OF PROPOSALS PLACING THE ALABAMA STURGEON ON THE ENDANGERED SPECIES LISTING AND DESIGNATING CERTAIN ALABAMA WATERS AS A CRITICAL HABITAT FOR THE ALABAMA STURGEON.

WHEREAS, the Alabama Legislature notes that the U.S. Fish and Wildlife Service has recommended the Alabama Sturgeon be placed on the Endangered Species list and that the lower Cahaba River, lower Alabama River, and the lower Tombigbee Rivers be listed as critical habitats for the Alabama Sturgeon, pursuant to the Endangered Species Act of 1973; and

WHEREAS, the negative economic impact of designating certain waterways in Alabama as critical habitats for the Alabama Sturgeon has been estimated to be in excess of \$12,000,000,000,000 over the next 10 years according to studies conducted by Troy State University economists; and

WHEREAS, the U.S. Fish and Wildlife Service has ignored and dismissed vital scientific studies in making its proposals on the Alabama Sturgeon and failed to give equal weight to empirical data and facts developed by other biologists, thus, denying a fair and impartial analysis; and

WHEREAS, based on the lack of scientific and commercial information required to support the listing, the listing of the Alabama Sturgeon pursuant to the Endangered Species Act should be rejected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most vehemently disapprove and condemn placing the Alabama Sturgeon on the Endangered Species List and designating the lower Cahaba River, lower Alabama River, and lower Tombigbee Rivers as critical habitats of the Alabama Sturgeon.

Approved March 22, 1994

Time: 11:33 A.M.

Act No. 94-252

H. 733 – Rep. Harper

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Bayou La Batre in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Bayou La Batre in Mobile County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

Commence at the northeast corner of Section 4, T-8-S, R-3-W, Mobile County, Alabama as the point of beginning of the property herein described; thence run west 10,300 feet more or less to the east margin of the University of Alabama Marine Laboratory Road; thence run south along the east margin of the University of Alabama Marine Laboratory Road a distance of 624.69 feet to a point on the east margin of Sandy Bay; thence run southwestwardly along the east margin of Sandy Bay to Point Aux Pines; thence run south a distance of 25,000 feet to a point, said point being located 5 miles south of and 4.545 miles west of the mouth of Bayou Coden; thence run east a distance of 24,000 feet to a point, said point being located 5 miles due south of the mouth of Bayou Coden; thence run north a distance of 26,400 feet (5 miles) to the mouth of Bayou Coden; thence run westwardly along the north margin of Portersville Bay to a point where the projection of the west margin of Niolon Lane intersects the north margin of said Portersville Bay; thence run north along the projection of the west margin of Niolon Lane to the south margin of Shell Belt Road; thence run westwardly along the south margin of Shell Belt Road to the intersection of the west margin of Bayou La Batre State Docks Road; thence run south along the west margin of Bayou La Batre State Docks Road to a point on the north line of Lot 34, of Portersville Coastal Lots as recorded in deed book 16, page 84, of the records of the Judge of Probate of Mobile County, Alabama; thence run S00°13'W, a distance of 1,112.0 feet to a point that was formerly the center line of Bromberg Bay before it was filled in; thence run northwestwardly along the center line of Bromberg Bay before filling, using the following bearings and distances; S59°10'W, a distance of 54 feet to a point; thence N71°20'W, a distance of 220 feet to a point; thence N68°24'W, a distance of 220.60 feet to a point; thence N87°57'W, a distance of 124.90 feet to a point; thence N71°27'W, a distance of 150.10 feet to a point; thence N13°11'W a distance of 60 feet to a point; thence N59°51'W, a distance of 270.50 feet to a point; thence N39°33'W, a distance of 186.4 feet to a point; thence west to the center line of Bayou La Batre Bayou; thence run

south along said center line of Bayou La Batre to the intersection of the mouth of Bayou La Batre and Portersville Bay; thence run westwardly along the north margin of Portersville Bay to the east line of Section 4, T-8-S, R-3-W; thence run north along the east line of Section 4, to the point of beginning, which is the northeast corner of Section 4, T-8-S, R-3-W, Mobile County, Alabama.

Section 2. This Act shall not have the effect of imposing any form of municipal regulation, nor shall it authorize any municipal ordinance which would impose municipal taxation on oil or gas exploration, drilling, development or production activities or facilities, including pipelines, now or hereafter located on or under State or other water bottoms in the area to be annexed, and such exploration, drilling, development, and production activities and facilities, including pipelines, shall be permanently exempt from municipal regulation (including zoning, building codes, etc.) and shall be exempt from any municipal ordinance which would impose municipal taxation.

Section 3. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Bayou La Batre is on file in the office of the Judge of Probate in Mobile County, Alabama, and the map is open to the inspection of the public.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 22, 1994

Time: 11:34 A.M.

Act No. 94-253

H. 734 – Rep. Harper

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Bayou La Batre in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Bayou La Batre in Mobile County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

Commence where the south line of the north half of the south half of the northeast quarter of Section 34, T-7-S, R-3-W, intersects the west margin of Shell Belt Road as the point of beginning of the

property herein described; thence run south along said west margin of Shell Belt Road to the intersection of the west margin of Bayou La Batre State Docks Road; thence run south along the west margin of Bayou La Batre State Docks Road to a point on the north line of Lot 34, of Portersville Coastal Lots as recorded in deed book 16, page 84, of the records of the Judge of Probate of Mobile County, Alabama; thence run N66 47'W, along said north line of Lot 34, a distance of 1050 feet to a point on the east margin of Bayou La Batre; thence continue N66 47'West, along a projection of the north line of Lot 34, to the intersection of the centerline of Bayou La Batre; thence run northeastwardly along the centerline of said Bayou La Batre to a point where the centerline of Bayou La Batre intersects the south line of the north half of the south half of the northwest quarter of Section 34, T-7-S, R-3-W; thence run eastwardly along the south line of the north half of the south half of the northeast quarter of said Section 34, to the point of beginning.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Bayou La Batre is on file in the office of the Judge of Probate in Mobile County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 22, 1994

Time: 11:35 A.M.

Act No. 94-254

H. 596 – Rep. Zoghby

AN ACT

Relating to any Class 2 municipality; to provide for the incorporation of a municipal parking authority in any Class 2 municipality as a public corporation; to provide the procedure for incorporation; to provide for the governing body to elect members of the board of directors to manage the affairs of the authority; to provide for appointment of officers of the authority; to empower the authority to acquire, construct, enlarge, and operate within the municipality parking facilities; to empower the authority to lease parking facilities to or from others; to grant the authority other powers, including the power of eminent domain; to authorize the municipality to aid the authority in planning, constructing, enlarging, or operating the facilities and to lend, give, donate, or sell to the authority real or personal property; to empower the authority to issue interest-bearing revenue bonds; to provide that the bonds may be secured by pledge of any revenues of the authority and the

mortgage of any property of the authority; to provide that bonds or other debts of the authority shall not constitute a debt of the state or any political subdivision of the state; to provide the purposes for which the proceeds of the bonds shall be used; to authorize the refunding of bonds; to provide for remedies in the event of any default on the bonds; to exempt the authority and its property from all taxation, including license, privilege, and excise taxes; to exempt from taxation bonds of the authority and the income therefrom; to authorize any county or municipality of this state to invest in bonds of the authority; to provide that the bonds shall be legal investments for fiduciaries, savings banks, and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the authority and specifying the time after publication within which actions and defenses may be asserted respecting the bonds, pledge, and indenture and the proceedings authorizing the issuance; and to provide for the dissolution of any such authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. The history of municipalities and the course of legislatures throughout America, including the Legislature of Alabama, confirm that public welfare requires that Class 2 municipalities be authorized to provide off-street parking facilities through parking authorities.

The Legislature makes each of the following declarations:

(1) The free circulation of traffic on the streets of Class 2 municipalities is necessary to the health, safety, and general welfare of the public.

(2) The greatly increased use of motor vehicles has caused serious traffic congestion on the streets of the Class 2 municipalities.

(3) The parking of motor vehicles has contributed to the congestion.

(4) The congestion prevents the free flow of traffic through the municipalities, impedes effective firefighting and the disposition of police forces, and threatens irreparable loss in the values of urban property, which can no longer be readily reached by vehicular traffic.

(5) Parking facilities in Class 2 municipalities are grossly inadequate.

(6) Private enterprise has been unable to solve the problem, because private parking lots are frequently temporary in nature, located without regard for actual parking requirements, with vacant land being used for parking purposes in a haphazard fashion in order to earn minimal revenue from the land pending construction.

(7) The inadequacy of parking space is harmful to the public convenience, health, safety, and welfare.

(8) The inadequate off-street parking spaces now existing must be supplemented by off-street parking facilities provided by public undertaking.

(9) The enactment of this law is declared to be a public necessity which the public welfare and convenience require.

Section 2. Unless the context plainly indicates otherwise, the following words and terms have the meanings ascribed to them:

(1) **AUTHORITY.** A public corporation organized under this act.

(2) **BOARD.** The board of directors of an authority organized under this act.

(3) **BOND.** Any bond authorized to be issued under this act.

(4) **COUPON.** Any interest coupon evidencing an installment of interest payable with respect to a bond.

(5) **DIRECTOR.** A member of a board.

(6) **GOVERNING BODY.** The body in which the general legislative powers of the municipality are vested.

(7) **INDENTURE.** A mortgage, an indenture of mortgage, deed of trust, trust agreement, or trust indenture executed by an authority as security for its bonds.

(8) **MUNICIPALITY.** A Class 2 municipality subject to this act.

(9) **PARKING FACILITY.** Any building, structure, land, right-of-way, equipment, or instrumentality used or useful in either of the following ways:

a. In connection with the construction, enlargement, development, maintenance, or operation of an area or building for off-street or on-street parking of motor vehicles.

b. In connection with the exercise of any power of the authority.

(10) **STATE.** The State of Alabama.

Section 3. A municipal parking authority may be organized as a public corporation in any Class 2 municipality of the state. Three or more natural persons may file with the governing body of the municipality an application in writing for permission to incorporate a public corporation to function as a municipal parking authority. The applicants shall attach to the application a proposed form of certificate of incorporation for the corporation. If the governing body receiving the application adopts a resolution approving the form of the certificate of incorporation and authorizing the formation of a public corporation, the applicants shall become the incorporators. The resolution does not have to be published or posted. The applicants shall incorporate the authority as a public corporation as provided in this act.

Section 4. The certificate of incorporation of the authority shall state all of the following:

(1) The name of each person forming the authority, the residence of each person, a statement that each person is a duly qualified elector of the municipality, and a statement that each is the owner of property in the municipality.

(2) The name of the authority (which shall include the words "Parking Authority").

(3) The duration that the authority will exist. If the duration is to be perpetual, that fact shall be stated.

(4) The name of the municipality authorizing the incorporation of the authority and the date the authorization was granted.

(5) The proposed location of the principal office of the authority, which shall be within the boundaries of the municipality.

(6) Any other matters that are not inconsistent with this act or other laws of the state that the authority chooses to insert.

Section 5. (a) The certificate of incorporation of the authority shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds.

(b) The certificate shall have each of the following attached:

(1) A certified copy of the resolution required in Section 3.

(2) A certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar as to lead to confusion and uncertainty.

(c) The incorporators shall file the certificate of incorporation of the authority, together with the attachments in the office of the judge of probate of the county in which the principal office of the authority is located. The judge of probate shall immediately receive and record the certificate and attachments.

(d) When the certificate of incorporation and attachments have been filed, the authority shall come into existence and shall constitute a public corporation under the name set forth in the certificate. The authority shall be vested with the rights and powers granted in this act.

Section 6. (a) The board, by resolution, may change the name of the authority and may amend the certificate of incorporation if each of the following requirements are satisfied:

(1) The governing body adopts a resolution that is entered upon the minutes of the body approving the change of name or amendment of the certificate.

(2) If the board adopts a resolution changing the name of the authority, the board shall obtain from the Secretary of State a certificate stating that the change of name is not identical to that of any other corporation in the state or so nearly similar as to lead to confusion and uncertainty.

(b) The board shall file in the office of the judge of probate of the county in which the principal office of the authority is located each of the following:

(1) The resolution of the board changing the name of the authority or amending the certificate.

(2) A certified copy of the resolution of the governing body approving the action of the board.

(3) The required certificate prepared by the Secretary of State when the name of the authority is changed.

(c) The changes contained in the resolution of the board shall become effective at the time of filing.

Section 7. (a) The authority shall be governed by a board of directors of seven members. The board shall be elected by the governing body of the municipality. Each member of the board shall be a qualified elector of the municipality. No elected official of the state, of a county, or a municipality shall, while holding office, be eligible to serve as a director. The directorships shall be numbered one to seven, inclusive. The initial term for directorships one and two shall be two years. The initial term for directorships three and four shall be three years. The initial term for directorships five, six, and seven shall be four years. The initial terms shall commence on the first day of the first month after the month in which this act becomes effective. All subsequent terms of directorships shall be for four years.

(b) If a directorship is vacant, a successor shall be elected by the governing body to serve the remainder of the unexpired term. Directors shall be eligible for re-election.

(c) A majority of the members of the board of directors shall constitute a quorum for the transaction of business. No vacancy in the membership of the board of directors shall impair the right of a quorum to exercise all the powers and duties of the authority.

(d) A meeting of the board may be adjourned from time to time by a majority of the directors present or may be adjourned by a single director if the director is the only director present at the meeting.

(e) The board of directors shall hold regular meetings on the second Tuesday in each month and at other times as may be provided in

the bylaws of the authority. A special meeting of the board may be held upon call of the chair of the authority or any four directors. Any matter on which the board of directors is authorized to act may be acted upon at any regular, special, or called meeting.

(f) At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record.

(g) All proceedings of the board shall be reduced to writing by the secretary of the authority, recorded in a well-bound book and may be inspected by each director and by the public during business hours. Copies of the proceedings, when certified by the secretary of the authority under its seal, shall be received in all courts as evidence of the matters and things certified.

(h) Each director shall receive fifty dollars (\$50) for each regular or special meeting of the board attended. No director shall receive more than one hundred dollars (\$100) in any one month for attending meetings. Each director shall be reimbursed for expenses actually incurred in the performance of duties. Compensation and expenses shall be paid from funds of the authority.

(i) The governing body may remove a director from office in the same manner and for the same reasons as provided by law for removal of officers appointed by the city council.

Section 8. The board shall elect a chair, a vice-chair, a secretary, a treasurer, and other necessary officers to accomplish the purposes of the authority. The tenure of service as chair, vice-chair, and secretary shall be one year. The tenure of service as treasurer and other officers shall be determined by the board. Subject to the certificate of incorporation, the authority may employ all necessary personnel and set the terms and conditions of their employment. The duties of the chair, vice-chair, secretary, and treasurer shall be the same as are customarily performed by those officers and as may be prescribed by the board. The duties of any other officer of the authority shall be prescribed by the board.

Section 9. The authority shall have the following powers, together with all incidental powers necessary:

(1) To have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation.

(2) To sue and be sued in its own name in civil suits and actions.

(3) To adopt and make use of a corporate seal and to alter the seal at pleasure.

(4) To adopt and alter bylaws for the regulation and conduct of its affairs and business.

(5) To acquire, receive, take and hold, whether by purchase, gift, lease, devise, eminent domain, or otherwise, property of every description, whether real, personal, or mixed, and to manage the property, and to develop any undeveloped property owned, leased, or controlled by it. An authority may not acquire or lease real property located outside the boundaries of the municipality. An authority created under this act may not exercise any power of eminent domain without a concurring resolution from the governing body authorizing the power.

(6) To execute contracts and other instruments and to take other necessary or convenient actions to carry out the purposes of this act or the exercise of any power granted by this act.

(7) To plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate, and protect parking facilities.

(8) To lease or let the facilities or any of the facilities to a tenant or tenants for periods of time and compensation or rental and on such conditions as the authority may prescribe, subject to the limitations stated in Section 10.

(9) To issue interest-bearing revenue bonds payable from the limited sources prescribed in this act.

(10) To pledge for payment of the bonds any revenues and funds from which the bonds are made payable.

(11) To make and enter into contracts, leases, and agreements incidental to or necessary for the **accomplishment of any purpose for which the authority was organized.**

(12) To appoint, employ, contract with and provide compensation of officers, employees, and agents, including engineers, attorneys, consultants, fiscal advisers, and other employees as the business of the authority may require, including the power to fix working conditions by general rule and other conditions of employment, and, at its option, to provide a system of disability pay, retirement compensation, and pensions, or any of them, and to employ and discharge servants, agents, employees, and officers at will.

(13) To fix, establish, collect, and alter parking fees, tolls, rents, and other charges for the use of any parking facility or other property owned or controlled by the authority, and to fix, establish, collect, and alter on-street metered parking fees within the municipality.

(14) To make and enforce rules and regulations governing the use of any parking facility owned or controlled by the authority.

(15) To secure insurance, including use and occupancy insurance.

(16) To invest any funds of the authority that the board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in bonds of this state or any county or municipality of the state.

(17) To cooperate with the state, any county, municipality, public corporation, agency, department, or political subdivision of the state, and to enter necessary contracts with them to accomplish the purposes for which the authority is established.

(18) To sell and convey any of its obsolete or unneeded properties.

(19) To receive and accept grants for or in aid of the construction, extension, improvement, maintenance, or operation of any parking facility from the United States of America or any agency thereof, and from the state, any political subdivision, department, or agency thereof, and to receive and accept money, property, labor, or other things of value from any source.

(20) To purchase necessary or convenient equipment and supplies for the exercise of any power of the authority. Powers exercised by the authority shall only be for those purposes necessary or incidental to the development, acquisition, construction, enlargement, maintenance, or operation of facilities for parking motor vehicles.

Section 10. (a) As used in this section, the word "person" means a natural person, a corporation, a partnership, or an unincorporated association.

(b) The authority shall carefully consider and decide whether it is in the public interest for the authority to operate the facility, enter into a contract with a person to operate the facility for the authority, or lease the facility. The authority shall consider all the following factors in making this determination:

(1) The relative efficiency of the alternate operations.

(2) The relative economy of the alternate operations.

(3) The overall advantage and benefit to the authority and the public of the alternate operations.

In order to make this determination, the authority shall ascertain each of the following:

(1) The amount necessary in each year to pay the principal and interest on the bonds proposed to be issued to finance the parking facility.

(2) The amount necessary to be paid each year to any reserve fund which the board deems advisable to establish in connection with the retirement of the bonds and the maintenance of the parking facility or facilities.

(3) Unless the terms under which the project is to be leased provide that the lessee shall maintain the project and carry all proper insurance, including liability insurance, the estimated cost of maintaining the parking facility in good repair and keeping it properly insured.

(c) The board may not enter into any lease of the parking facility unless the lease provides for both of the following:

(1) The lessee to pay to the authority a sufficient amount to meet the amortization requirements during the term of the lease.

(2) The lessee to pay the cost of keeping the parking facility in good repair and properly insured. These requirements shall not apply if the lease obligates the lessee, at lessee's expense, to keep the facility in good repair and properly insured.

(d) The lease agreement may, at the discretion of the board, contain provisions describing minimum operating hours, maximum charges to be collected by the lessee, and other terms the lessee will be required to observe in operating the parking facility.

Section 11. The authority may accept, receive, receipt for, disburse, and expend federal and state moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this act.

Section 12. For the purpose of aiding and cooperating with the authority in the planning, development, undertaking, construction, extension, improvement, or operation of parking facilities, a county, municipality, political subdivision, public corporation, agency, or instrumentality of this state may, upon such terms, and with or without consideration as it may determine, engage in any of the following activities:

(1) Lend or donate money to the authority.

(2) Donate, transfer, assign, sell, or convey to the authority any right, title, or interest which it may have in any lease, contract, agreement, license, or property.

(3) Take any lawful action necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of parking facilities.

Section 13. (a) The authority may issue and sell its interest-bearing revenue bonds for any corporate purpose at any time

or times. The principal of and the interest on the bonds shall be payable solely from, and may be secured by a pledge of, the revenues derived by the authority from the operation of any or all of its parking facilities and other property, or by mortgage of any property of the authority. The bonds issued or contracts entered by the authority shall not constitute or create an obligation, debt, or charge against the credit or taxing power of the state, any county, or municipality within the state.

(b) The board may provide for each of the following regarding the bonds:

(1) Issuance time or times.

(2) Form and denominations.

(3) Tenor.

(4) Payment installments, which shall be at a time or times not exceeding 40 years from their date.

(5) Place or places of payment, whether within or without the state.

(6) Interest rate or rates payable and evidenced in a specified manner.

(c) Any bond having a stated maturity more than ten years after its date shall be made subject to redemption, at the option of the authority, not later than the expiration of ten years from its date and on any interest payment date thereafter at the price or prices and after notice or notices and on the terms and in the manner as may be provided by the board.

(d) Bonds of the authority may be sold at public or private sale in the manner and at times as may be determined by the board.

(e) The authority may pay all reasonable expenses, premiums, fees, and commissions in connection with the authorization, sale, and issuance of the bonds.

(f) All bonds shall contain a recital that they are issued pursuant to this act, which recital shall be conclusive that they have been duly authorized under this act.

(g) Neither a public hearing nor consent of the Department of Finance shall be a prerequisite to the issuance of bonds by any authority. Notwithstanding the fact that the bonds are payable solely from a specified source, all bonds issued under this act shall be deemed negotiable instruments within the meaning of the negotiable instruments law of the state if they otherwise possess all the characteristics of negotiable instruments under the laws of the state.

Section 14. All bonds shall be signed by the chair or vice-chair and the secretary or treasurer of the authority and the seal of the authority shall be affixed. A facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced on the bond in lieu of his or her manually signing. A facsimile of the seal of the authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed. Coupons shall be signed by the chair or vice-chair and the secretary or treasurer of the authority. A facsimile of the signature of the chair or vice-chair and the secretary or treasurer may be impressed or otherwise reproduced on any interest coupon in lieu of their manually signing. Delivery of executed bonds shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of the bonds.

Section 15. (a) The authority may issue bonds under and secured by an indenture between the authority and a trustee. The trustee may be a private person or corporation, including, but not limited to, any trust company or bank having trust powers, whether the bank or trust company is located within or without the state.

(b) In any indenture or resolution providing for the issuance of bonds, the authority may pledge, for payment of the principal of and the interest on the bonds, any of its revenues to which its right then exists or may subsequently come into existence and may assign, as security for the payment, any of its leases, franchises, permits, and contracts. In any such indenture the authority may mortgage any of its properties, including any properties subsequently acquired by it. Any pledge of revenues shall be valid and binding from the time it is made, and the revenues pledged and subsequently received by the authority, and any property of the authority mortgaged shall immediately become subject to the lien of the pledge without any physical delivery or further act. The lien of the pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the judge of probate of the county in which the principal office of the authority is located. The notice shall state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged, and a brief description of any property mortgaged or any property from which the revenue is pledged.

(c) In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof revenues from any one

or more of its parking facilities, the authority may include provisions customarily contained in instruments securing evidence of indebtedness. These provisions may include, but shall not be limited to, each of the following:

(1) Collection, segregation, and application of any rental or other revenues due to or to become due to the authority.

(2) The terms to be incorporated in any lease agreement respecting any property of the authority.

(3) The maintenance and insurance of any building or structure owned by the authority.

(4) The creation and maintenance of special funds from any revenue of the authority.

(5) The rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture.

(d) In case of default by the authority in payment of the principal of, or the interest on the bonds, or in any of the agreements on the part of the authority that may properly be included in any indenture securing the bonds, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in the indenture, may, in addition to any other available remedies, either at law or in equity, by suit, action, mandamus, or other proceedings, enforce payment of the principal or interest and compel performance of all duties of the board and officers of the authority. The holder shall be entitled as a matter of right and regardless of the sufficiency of any security to the appointment of a receiver in equity with all the powers of the receiver for the operation and maintenance of the property of the authority covered by the indenture and the collection, segregation, and application of revenues therefrom. The indenture may also contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 16. (a) The proceeds derived from the sale of any bonds, other than refunding bonds, may be used exclusively to pay the cost of acquiring, constructing, improving, enlarging, and equipping the parking facilities or property with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued. The cost includes any of the following:

(1) The cost of any land forming a part of the facilities.

(2) The cost of labor, materials, and supplies used in any construction, improvement, or enlargement, including architects' and engineers' fees and the cost of preparing contract documents and advertising for bids.

(3) The purchase price of and the cost of installing equipment for the facilities.

(4) The cost of landscaping the lands forming a part of the facilities and of constructing and installing roads, sidewalks, curbs, gutters, and utilities in connection with the facilities.

(5) Legal, fiscal, and recording fees and expenses incurred in connection with the facilities.

(6) Interest on the bonds for a reasonable period before and during the time required for the construction and equipment and for not exceeding 18 months after completion of the construction and equipment.

(b) If any of the proceeds derived from the sale of the bonds remains undisbursed after completion of the work and payment of all of the costs and expenses, the balance shall be used for retirement of the principal of the bonds of the same issue.

Section 17. The authority may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and the interest on any bonds of the authority issued under this act and then outstanding. The refunding bonds may be issued regardless if the principal and interest have matured at the time of the refunding. The refunding bonds may be issued for the payment of any expenses incurred in connection with the refunding and any premium necessary to be paid in order to redeem, retire, or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were issued. Any refunding may be effected either by sale of the refunding bonds and the application of the proceeds, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded. The holders of any bonds or coupons to be refunded shall not be compelled to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this act pertaining to bonds of the authority that are not inconsistent with this section shall, to the extent applicable, also apply to refunding bonds issued by the authority. The authority may issue bonds for the purpose of refunding the principal of and the interest on any of its bonds and for any other purpose for which it is authorized to issue bonds. The provisions of this act respecting refunding bonds shall apply only to the portion of the combined issue authorized for refunding purposes and the provisions respecting other financing shall apply to the remaining portion of the combined issue.

Section 18. The bonds issued by the authority and the income from the bonds shall be exempt from all taxation in the state. All property and income of the authority shall be exempt from all state,

county, municipal, and other local taxation, including license, privilege, or excise taxes. This exemption shall not be construed to exempt concessionaires, licensees, tenants, operators, or lessees of or on any parking facility owned by any authority from the payment of any taxes levied by the state, the county, or any municipality in the state.

Section 19. The governing body of any county or municipality within this state may invest any idle or surplus money held in its treasury in bonds of the authority.

Section 20. Bonds issued under this act are deemed legal investments for executors, administrators, trustees, and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority. The bonds shall be legal investments for savings banks and insurance companies organized under the laws of the state.

Section 21. Upon the adoption by the board of any resolution providing for the issuance of bonds, the authority may cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in this state not less than five days in each calendar week and distributed in the county in which the principal office of the authority is located, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chair or secretary of the authority: "_____ a public corporation of the State of Alabama, on the _____ day of _____, _____, authorized the issuance of \$ _____ principal amount of revenue bonds of the corporation for purposes authorized in the act of the Legislature of Alabama under which the corporation was organized. Any action or proceeding questioning the validity of the bonds, or the pledge and any instruments securing the bonds, or the proceedings authorizing the bonds, must be commenced within 30 days after the first publication of this notice." Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in the notice or to contest the validity of any bonds or the validity of the pledge and any instruments made to secure the bonds must be commenced within 30 days after the first publication of the notice. After the expiration of the period, no right of action or defense questioning or attacking the validity of the proceedings, the bonds, or the pledge or instruments shall be asserted, nor shall the validity of the proceedings, bonds, pledge, or instruments be open to question in any court on any ground whatsoever except in an action commenced within the period.

Section 22. Laws, regulations, and ordinances relating to the advertising and award of construction contracts and purchase contracts made by or in behalf of the authorizing subdivision shall be applicable to any authority granted permission to incorporate by the

authorizing subdivision. Nothing herein shall exempt the authorities from laws relating to surety bond requirements for such contracts.

Section 23. (a) At least once every 12 months after the date an authority is created pursuant to this act, the municipality shall appoint an expert accountant who shall make an examination and audit of the records, books, and accounts of the authority and shall make a report of the audit in writing to the municipality and the authority. The accountant's compensation shall be payable out of the funds of the authority.

(b) The records of the authority shall constitute public records. Every citizen shall have the right to inspect the records. The officer having custody of the records shall be obligated to furnish to any citizen a certified copy of any record on the citizen's demand and payment to the authority of the same fee as is payable to the judge of probate of the county for furnishing certified copies of records of the probate court.

Section 24. When no bonds of the authority are outstanding, the authority may be dissolved upon the filing with the judge of probate, in the county in which is filed the certificate of incorporation, an application for dissolution. The application for dissolution shall be subscribed by each member of the board and sworn to by each member before an officer authorized to take acknowledgments to deeds. Upon the filing of an application for dissolution, the authority shall cease to exist. The judge of probate shall receive and record the application for dissolution in an appropriate book of record in his or her office. Upon dissolution, all rights, title, and interest of the authority in property shall be vested in the municipality.

Section 25. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, ~~except to the extent such laws are clearly inconsistent with provisions of this act.~~

Section 26. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 22, 1994

Time: 2:40 P.M.

WHEREAS, in noting the announced retirement of John Wayne Wilkerson from the Alabama Department of Public Safety, the Alabama Legislature acknowledges with gratitude his many contributions to the Department and the people of Alabama for the past 22 years; and

WHEREAS, John Wilkerson, who began his exemplary career in 1972 as a Clerk II in the Safety Responsibility Unit, Driver License Division, was promoted in 1973 to Driver License Technician, and was one of the first persons to hold this newly created position in the Safety Responsibility Unit; and

WHEREAS, in 1974, after official certification as a Driver License Technician, he was assigned to the Montgomery Driver License Office where he administered all eye, written and road tests for Montgomery, Elmore, Lowndes and Autauga Counties; and

WHEREAS, subsequently, in May 1990, Mr. Wilkerson was promoted to Driver License Examiner II, serving as Supervisor of the Montgomery District until he was appointed in early 1991 to supervise the Montgomery Commercial Driver License Office, which was established in 1990 to institute and enact new procedures to license commercial drivers in accordance with federal standards; and

WHEREAS, Mr. Wilkerson, in implementing and overseeing the licensing of commercial drivers, has traveled extensively throughout the state, administering mass license tests for companies, individuals and governmental agencies, and his dedicated endeavors and knowledgeability concerning CDL guidelines have greatly benefited both employers and employees during this transition period; and

WHEREAS, for more than two decades, John Wilkerson has indeed well served the State of Alabama and the Department of Public Safety, and his personnel file contains numerous letters of commendation from the public expressing appreciation for his many courtesies and valuable assistance to the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the State of Alabama, July 12, 1972-April 1, 1994, we hereby most highly commend John Wayne Wilkerson, for whom a copy of this resolution shall be provided, with best wishes for every future success and happiness in life.

Approved March 23, 1994

Time: 1:45 P.M.

Act No. 94-256

H.J.R. 267 – Reps. Page, Haney

HOUSE JOINT RESOLUTION

HONORING MRS. MELISSA ANN VOIGHT SMITH OF HUNTSVILLE, ALABAMA, ON THE OCCASION OF HER BIRTHDAY.

WHEREAS, it is with great personal pleasure and pride that the Alabama Legislature honors Mrs. Melissa Ann Voight Smith on the occasion of her birthday on March 28, 1994; and

WHEREAS, a retired United States Army veteran who served both stateside and in the overseas arena, Mrs. Smith resides in Huntsville with her husband, James Smith, and they are the parents of two sons, Christopher and Joel; and

WHEREAS, Mrs. Smith, having met and overcome physical challenges, is actively involved as a volunteer who has greatly contributed to the good and well-being of the community through involvement and support of the Boy Scout program and the local schools, among other organizations, and is also Red Cross certified; and

WHEREAS, one's birthday is indeed an occasion of great joy, and we are pleased to join Mrs. Smith's family and friends in wishing her "many happy returns"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Mrs. Melissa Ann Voight Smith on her birthday, March 28, 1994, and do further direct that she receive a copy of this resolution of sincere tribute, with best wishes for a long and fruitful life.

Approved March 23, 1994

Time: 1:46 P.M.

Act No. 94-257

H.J.R. 266 – Rep. Page

HOUSE JOINT RESOLUTION

HONORING MRS. DOROTHY SULLIVAN ROBINSON OF GADSDEN, ALABAMA, UPON HER RETIREMENT.

WHEREAS, it is with heartiest congratulations and commendation that the Legislature of Alabama notes the retirement of Mrs. Dorothy Sullivan Robinson of Gadsden, Alabama; and

WHEREAS, Mrs. Sullivan will be retiring from the Darden Rehabilitation Center where, for the last 25 years, she has been employed as a counselor and evaluator; having served as the director's "Right Hand," she will indeed be missed by the thousands of students whose lives were influenced by her wise counsel; and

WHEREAS, the oldest of the six children of the late Mr. and Mrs. K. J. Sullivan, she attended Kent State University, the University of Alabama, and Jacksonville State University, from which she graduated; and

WHEREAS, Mrs. Robinson, over the years, has immeasurably contributed her energies, time, and many talents to numerous social, civic, religious, charitable, professional, and humanitarian endeavors, including serving as a member of the board of directors of the City Program for the City of Gadsden, Fellowship House, and the United Way of Etowah County as well as a member of the Clean and Beautiful Commission of the City of Gadsden and the Beautification Committee of the City of Gadsden; additionally, she is a devoted member of the Mount Pilgrim Baptist Church, and is a co-founder and member of the board of All American City; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of her retirement and in recognition of longtime and outstanding service, we most highly commend Mrs. Dorothy Sullivan Robinson, for whom a copy of this resolution shall be presented as evidence of our deep appreciation, and with sincere best wishes for every future happiness and success.

Approved March 23, 1994

Time: 1:47 P.M.

Act No. 94-258

S.J.R. 100 – Senator Windom

SENATE JOINT RESOLUTION

RECOGNIZING THE CONTRIBUTIONS OF EXXON TO THE MOBILE AREA AND THE STATE OF ALABAMA.

WHEREAS, Exxon's Mobile Bay operations represent the world's largest sour gas development; and

WHEREAS, leases of offshore tracts by Exxon have resulted in the payment of more than \$600 million to the Alabama Trust Fund; and

WHEREAS, construction of Exxon's facilities provided employment to thousands of local workers and benefitted hundreds of local vendors; and

WHEREAS, workers at the Exxon plant compiled an exceptional safety record during construction of the onshore and offshore facilities, while Exxon took extraordinary measures to protect the environment and quality of life in Mobile Bay; and

WHEREAS, since production began in October of 1993, Royalty and Severance Tax payments to the state by Exxon have exceeded \$25 million; and

WHEREAS, further, Exxon has provided generous support to dozens of local charities and organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize that Exxon, the Mobile area, and the State of Alabama are "Partners in Progress," and look forward to sharing this productive working relationship for many years to come.

BE IT FURTHER RESOLVED, That on behalf of the Mobile area and the State of Alabama, a copy of this resolution shall be presented to Exxon in appreciation for its many contributions, and for the generosity of its support to the community.

Approved March 24, 1994

Time: 1:44 P.M.

Act No. 94-259

S.J.R. 108 – Senator Owens

SENATE JOINT RESOLUTION

COMMENDING MARGARET W. PORTERA UPON THE OCCASION OF HER RETIREMENT.

WHEREAS, the Alabama Legislature notes with special interest the imminent retirement of Margaret W. Portera on March 31, 1994, after thirty-four and one-half years of dedicated service to the State of Alabama; and

WHEREAS, Mrs. Portera began her state service in 1954 with the Department of Public Health and has culminated her career by spending the last twelve years as a valued member of the Executive Budget Office staff of the Department of Finance; and

WHEREAS, she has performed in an exceptional manner and has displayed a high level of conscientiousness, dedication and loyalty that could well serve as a model for any state employee; and

WHEREAS, Mrs. Portera has also significantly contributed to a positive work environment in each organization in which she has been employed through her wonderful sense of humor, cheerful attitude and high degree of professionalism.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of her outstanding service to the State of Alabama and upon the occasion of her retirement, we hereby commend Margaret W. Portera and direct that she receive a copy of this resolution of sincere regard and best wishes for future success and happiness in life.

Approved March 24, 1994

Time: 1:45 P.M.

Act No. 94-260

H. 729 – Rep. Millican

AN ACT

Proposing a statewide amendment to the Alabama Constitution of 1901, pertaining only to Winston County, to further provide from time to time for the charges of court, the fees and other charges collected by the judge of probate, tax collector, tax assessor, revenue commissioner, and other county officials, and the method and basis of salaries and compensation for the county officers in Winston County, by local law by the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) The Legislature may, from time to time, by general or local law applicable to Winston County, fix, regulate, and alter the costs and charges of court and fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the judge of probate, the tax assessor and tax collector, revenue commissioner, and other county officers of

Winston County, and may put the officers on a salary basis and provide for the operation of the office of the county officials on that basis.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Winston County voting on the proposition, pursuant to Amendment No. 255 to the Alabama Constitution of 1901. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 8, 1994

Passed the Senate March 24, 1994

Act No. 94-261

S. 571 – Senator Lindsey

AN ACT

To amend Sections 34-24-290, 34-24-292, and 34-24-293, Code of Alabama 1975; to define certain terms; to authorize assistants to physicians to prescribe legend drugs; to authorize the Board of Medical Examiners to establish guidelines for the prescribing of legend drugs; and to establish a formulary of drugs to be prescribed.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 34-24-290, 34-24-292, and 34-24-293, Code of Alabama 1975, are amended to read as follows:

“§34-24-290.

“For the purposes of this article, the following words and phrases shall have the respective meanings ascribed by this section:

“(1) **APPROVED PROGRAM.** A program for the education and training of assistants to physicians which has been formally approved in writing by the board.

“(2) **ASSISTANT TO PHYSICIAN.** A person who is a graduate of an approved program and is certified by the board to perform medical services under the supervision of a physician or physician approved by the board to supervise the assistant.

“(3) **BOARD.** The board of medical examiners of the state of Alabama.

“(4) **LEGEND DRUG.** Any drug, medicine, chemical or poison, bearing on the label the words, ‘Caution, Federal Law prohibits dispensing without prescription’ or similar words indicating that the drug, medicine, chemical or poison may be sold or dispensed only upon the prescription of a licensed medical practitioner, except that the term legend drug shall not include any drug, substance or compound which is listed in Schedules I through V of the Alabama Uniform Controlled Substances Act.

“(5) **PHYSICIAN.** A person who is licensed to practice medicine in this state and is approved by the board to supervise assistants to physicians.

“(6) **PHYSICIAN SUPERVISION.** A formal relationship between an assistant to a physician and a licensed physician under which the assistant to the physician is authorized to practice as evidenced by a written job description approved in accordance with this article. Physician supervision requires that there shall be at all times a direct continuing and close supervisory relationship between the assistant to the physician and the licensed physician to whom that assistant is certified. The term supervision does not require direct on-site supervision of the assistant to the physician, however, it does require the professional oversight and direction as may be required by the regulations and guidelines of the Board of Medical Examiners.

“(7) **PRESCRIBE OR PRESCRIBING.** The act of issuing a written prescription for a legend drug.

“(8) **PRESCRIPTION.** An order for a legend drug which is written and signed by a physicians assistant authorized to prescribe and administer the drugs and which is intended to be filled, compounded, or dispensed by a pharmacist.

“(9) **TRAINEE.** A person who is currently enrolled in an approved program in this state.”

“§34-24-292.

“(a) Notwithstanding any other provision of law, an assistant to a physician may perform medical service when such services are rendered under the supervision of a licensed physician or physicians approved by the board; except, that no medical services may be performed under this article except under the supervision of an ophthalmologist in the office in which such physician normally actually practices his profession and nowhere else in any of the following areas:

“(1) The measurement of the powers or range of human vision or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general or the fitting or adaptation of lenses or frames for the aid thereof.

“(2) The prescribing or directing the use of or using any optical device in connection with ocular exercises, visual training or orthoptics.

“(3) The prescribing of contact lenses for or the fitting or adaptation of contact lenses to the human eye. Nothing in this section shall preclude the performance of routine visual screening.

“(b) In the performance of any medical service contemplated by this article, an assistant to a physician shall be conclusively presumed to be the agent, servant or employee solely of the licensed physician or physicians under whose supervision he performs such service, and no other person, firm, corporation or other organization shall be held liable or responsible for any act or omission of such assistant arising out of the performance of such medical service.

“(c) An assistant to a physician ~~certified to a licensed physician practicing under a job description~~ approved in the manner prescribed by this article may prescribe legend drugs to patients, subject to both of the following conditions:

“(1) The drug type, dosage, quantity prescribed, and number of refills shall be authorized in an approved job description signed by the physicians to whom the assistant is certified.

“(2) The drug shall be on the formulary approved under the guidelines of the Board of Medical Examiners.

“(d) Assistants to physicians may administer any legend drug which they are authorized to prescribe under this section. An assistant to a physician may not initiate a call-in prescription in the name of his or her physician for any drug, whether legend drug or controlled substance, which the assistant is not authorized to prescribe under the job description signed by his or her physician and approved under

this section, unless the drug is specifically ordered for the patient by the physician either in writing or by a verbal order which has been reduced to writing and which has been signed by the physician within a time specified in the guidelines of the Board of Medical Examiners."

"§34-24-293.

"(a) The board of medical examiners shall have and exercise all powers and duties previously granted to it. The board may make specific rules and regulations pertaining to the approval and regulation of assistants to physicians. The board may also make specific rules and regulations pertaining to approvals, disapprovals, and withdrawing approvals from physicians to utilize assistants to physicians.

"(b) The board may recognize, approve, and disapprove new categories and specialties of assistants to physicians as they develop in the delivery of health care.

"(c) The board shall issue certificates of approval for programs for the education and training of assistants to physicians which meet board standards.

"(d) In developing criteria for program approval, the board shall give consideration to and encourage the utilization of equivalency and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields.

"(e) The board shall adopt and publish standards to insure that the programs operate in a manner which does not endanger the health and welfare of patients who receive services within the scope of the program. The board shall review the quality of the curriculum, faculty, and the facilities of the programs and shall issue certificates of approval, and at the other times as it deems necessary to determine that the purposes of this article are being met.

"(f) The board shall formulate guidelines for the consideration of applications by a licensed physician or physicians to supervise assistants to physicians. Each application made by a physician or physicians to the board shall include all of the following:

"(1) The qualifications, including related experience, possessed by the proposed assistant to a physician.

"(2) The professional background and specialty of the physician or physicians.

"(3) A description by the physician of his or her, or physicians of their, practice and the way in which the assistant or assistants are to be utilized.

"(g) The board shall approve an application by a licensed physician or physicians to supervise an assistant to a physician where the

board finds that the proposed assistant is a graduate of an approved program, is certified by the board and is fully qualified by reason of experience and education to perform medical services under the supervision of a licensed physician and that the licensed physician or physicians are suitable and competent to exercise such supervision.

“(h) The board shall provide for penalties for violation of rules and regulations promulgated by the board, including the revocation or suspension of approval of certification to act as an assistant to a physician and approval of physicians to supervise assistants to physicians. Further, any person other than one who has been approved by the board who holds himself or herself out as an ‘assistant to a physician’ is guilty of a misdemeanor and shall be punishable as provided by law. Any violation of the provisions duly promulgated by the board shall constitute a misdemeanor and shall be punishable as provided by law.

“(i) The board shall prescribe a method by which a candidate for approval, having prior certification or licensure, may be evaluated and approved. The board shall also prescribe a method by which a candidate for approval may be evaluated and given approval based upon the candidate’s past education and work experience.

“(j) The board may cooperate and participate in those federal programs affecting or in conjunction with these types of allied health personnel.

“(k) For the administration of its duties and power in connection with these new categories of health manpower, the board shall establish a reasonable fee schedule, and receipts from payments of said fees shall be expended by the board in carrying out the purposes of this article.

“(l) The board may establish written **guidelines which govern the prescription practices of assistants to physicians**. The guidelines and any and all additions, deletions, corrections, or changes thereto shall not be considered a rule or regulation requiring publication under the Alabama Administrative Procedure Act. The guidelines shall establish a formulary of legend drugs that may be prescribed by an assistant to physicians and establish minimum requirements for review of the prescribing practice of an assistant to a physician by his or her supervising physician.

“(m) Prescribing by an assistant to a physician in violation of this article or the guidelines of the board shall constitute grounds for revocation or suspension of a license to practice as a physician’s assistant under the procedures outlined in Section 34-24-293.

“(n) The board may adopt such other rules and regulations as are reasonably necessary to carry out the intent, purposes, and provisions of this article.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 24, 1994

Time: 3:50 P.M.

Act No. 94-262

H. 24 – Rep. Butler

AN ACT

To amend Section 31-5-3, Code of Alabama 1975, to add a member to the State Board of Veterans' Affairs who is a representative of the Military Order of the Purple Heart.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 31-5-3 of the Code of Alabama 1975, is amended to read as follows:

“§31-5-3.

“(a) The state board of veterans' affairs shall consist of the governor, as chair, and representatives, to serve for a term of four years from the date of their respective appointments, who shall be selected from the memberships of the Alabama department of the American Legion, the United Spanish American War Veterans, the Veterans of Foreign Wars, the Disabled American Veterans, Veterans of WWI of the USA, Incorporated, the Vietnam Veterans of America, AMVETS, the Military Order of the Purple Heart, and American Ex-Prisoners of War, Incorporated, the nomination of the representatives to be made by the executive committees or similar governing bodies of the respective organizations on the following ratio of the membership as it existed on July 1 of the year in which the appointment is to be made by the governor in a manner whereby there shall be one representative from each of the organizations for the first 7,500 resident members or fraction thereof, and one additional representative from each organization for each additional 7,500 resident members or fraction thereof. The total memberships of the respective organizations shall be determined on July 1 of the year in which the representatives shall be designated from the state enrollment of each organization as duly verified for correctness by the adjutant or a similar officer of the organization. Notwithstanding the forgoing, the executive committees or similar governing bodies of the above-named organizations shall each nominate to the governor three veterans who are members of the

organizations, for each place on the board to which the organizations are entitled to have a nominee. The nominations shall also include, in representative proportions, veterans of every war which are included in the membership of the organizations. The board shall have authority to grant representation on the board, and on the same basis of membership as provided in this section, to any organization of veterans of the second World War having a national charter authorized by an act of congress and operating through local organizations in Alabama.

“(b) The state board, in conference with the state service commissioner, shall be responsible for the adoption of policies, rules, and regulations for its government and for the government of the department of veterans’ affairs.

“(c) The state board, subject to section 31-5-6, shall have and exercise all rule-making powers of the department, and may make regulations not inconsistent therewith or with state law that it deems necessary for carrying out this chapter. The board also may alter, repeal, or amend the regulations or any of them. This rule-making power shall include the establishment and promulgation of rules and regulations, including amendments and repeals thereof, with respect to the manner of performance of all functions and duties of the department and the various officers and employees thereof, including the selection and appointment of all service commissioners. All rules and regulations shall be furnished to the personnel board, and in accordance therewith, a list of eligibles shall be established therefrom. Competition for places on the eligible lists shall be limited to persons meeting qualifications and requirements set up in the rules and regulations. The rules and regulations shall have the force and effect of law and *prima facie* evidence thereof may be given in all courts and proceedings by the production of what purports to be an official printed copy of the regulations, alterations, repeal, or amendment.

“(d) The state board shall have the power, and it shall be its duty, to fix the salaries and minimum standards of service and personnel of all service commissioners, and subject to the state merit system, where applicable, to fix salaries and minimum standards of service and personnel, according to the schedules and rules prescribed by the state personnel board, for other employees and personnel.

“(e) The state board shall hold meetings at times and places to be prescribed by rules of the state board or as may be designated by the chair.

“(f) The presence of a majority of the members at any regular or special meeting shall constitute a quorum for the transaction of all business.

“(g) Members of the state board shall be entitled to a per diem, not exceeding twenty-five dollars (\$25) per day, to be fixed by the board, and the amount of their traveling and other necessary expenses actually paid out while in attendance at the meetings of the state board or on the business of the state department.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1994

Time: 3:00 P.M.

Act No. 94-263

S.J.R. 85 – Senators Dial, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

MEMORIALIZING THE ALABAMA DELEGATION OF THE U.S. CONGRESS REGARDING TEXTILE TRADE AGREEMENTS.

WHEREAS, the Legislature of Alabama notes with apprehension and concern the General Agreement on Tariffs and Trade, commonly known as the GATT negotiations; and

WHEREAS, the textile and apparel industry is a vital segment of our state's economic base, and the abolishment or reduction of import quotas and tariffs on foreign made textile and apparel products are of grave interest to this body; and

WHEREAS, we fear that these trade agreements will permit the American market to become flooded with imported textiles, apparel, and clothing, causing the unacceptable loss of an immeasurable number of state jobs and crippling the economic vitality of our state; and

WHEREAS, we note that other countries may not reciprocate by reducing their quotas and tariffs on American-made apparel and textile products, creating a patently inequitable relationship between our nation and foreign producers; and

WHEREAS, the Legislature acknowledges and approves of the rigid trade stance the United States is presenting to Japan and urge a similar posture for textile importing countries such as China, India, and Pakistan, such a position ensuring fair and equal trade and commerce among all nations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the United States Congress who represent our state are strongly encouraged to take all necessary and appropriate action to ensure that any trade agreement accepted by our country protects and preserves our state's textile, clothing, and apparel industry and the jobs of their employees.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama delegation to the United States Congress so that they may be apprized of our utmost interest regarding this matter.

Approved April 1, 1994

Time: 2:15 P.M.

Act No. 94-264

S.J.R. 87 – Senators Owens, Bolling, Denton,
Mitchem, and Dial

SENATE JOINT RESOLUTION

EXPRESSING SUPPORT OF S. 1825 "TAX FAIRNESS FOR MAIN STREET BUSINESS ACT OF 1994."

WHEREAS, sales by out-of-state direct marketing firms are subject to Alabama sales tax, but the State of Alabama and its cities and counties are unable to compel these out-of-state firms to collect and remit such taxes; and

WHEREAS, the State of Alabama and its cities and counties provide a number of resources to out-of-state firms, including government services relating to mail delivery, communications, highways and streets, bank and court systems, and waste disposal of catalogs; and

WHEREAS, Alabama businesses, which are compelled to collect and remit state sales tax, are subject to unfair competition

when their out-of-state competitors cannot be compelled to collect and remit state sales tax on their sales to Alabama residents; and

WHEREAS, the inability of the State of Alabama and its cities and counties to require out-of-state firms to collect and remit state sales tax deprives the citizens of the State of Alabama needed revenue, estimated by the Advisory Commission on Intergovernmental Relations at approximately \$50 million for 1992; and

WHEREAS, on Thursday, February 3, 1994, United States Senator Dale Bumpers introduced to the 103d Congress, 2d Session, legislation titled the "Tax Fairness for Main Street Business Act of 1994" which permits states to require out-of-state firms to collect and remit state and local sales tax; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express the Legislature's support of S. 1825, the "Tax Fairness for Main Street Business Act of 1994," and urge Alabama's Congressional Delegation to co-sponsor this bill and take further appropriate action to urge passage of S. 1825.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded forthwith to each member of Alabama's Congressional Delegation in Washington, D. C.

Approved April 1, 1994

Time: 2:16 P.M.

Act No. 94-265

S.J.R. 91 – Senators Denton, Amari, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CAPTAIN JOHN ROBERT MCDANIEL OF CENTER POINT, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the tragic death of Captain John Robert McDaniel of Center Point, Alabama, on March 6, 1994; and

WHEREAS, a native of Chicago, Illinois, he was raised in Warren, Michigan, where he graduated from high school; in 1979, he moved to the Anniston area and received his Engineering Degree from Jacksonville State University; and

WHEREAS, Captain McDaniel was a pilot with Valu Jet in Atlanta at the time of his untimely death when the plane he was flying went down in LaGrange, Georgia; and

WHEREAS, he was a devoted husband to his wife Barbara and truly adored their daughter, Holly Nicole; and

WHEREAS, Captain McDaniel was indeed a very kind, loving, and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Captain John Robert McDaniel, and extend our very deepest sympathy to his wife and daughter, his parents and brothers, and to other family members, for whom a copy of this resolution shall be provided that they all may know we sincerely share their great and grievous loss of a loving and caring person.

Approved April 1, 1994

Time: 2:17 P.M.

Act No. 94-266

S.J.R. 92 - Senators Little, Amani, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF E. HAM WILSON OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Legislature of Alabama records the death of E. Ham Wilson of Montgomery, Alabama, on March 11, 1994, at the age of 72 years; and

WHEREAS, a veteran of World War II, and a graduate of Auburn University, Ham Wilson was a native of Greenville who, for more than 40 years, was known and acknowledged, statewide, as one of Alabama's most prominent citizens who served with great dedication and commitment as executive vice president of the Alabama Cattlemen's Association for 34 years, as executive director of governmental affairs for Auburn University for 7 1/2 years, and as an initiator and executive director of The Southeastern Livestock Exposition Rodeo for more than 36 years; and

WHEREAS, Mr. Wilson, who built the Alabama Cattlemen's Association into the largest such group in the nation before retiring in 1985, also started the "Alabama Cattleman" magazine, and expanded cattle production from the sectional occupation that it was in 1958 into a statewide \$1.5 billion dollar industry; and

WHEREAS, as the first executive director of Auburn University's first full-time governmental relations office in Montgomery, Mr. Wilson was instrumental in the passage of such significant legislation as the License to Learn scholarship tag program, and the Eminent Scholars program for Alabama colleges, among many others; and

WHEREAS, Mr. Wilson, who was the recipient of numerous distinctions, including Man of the Year by the "Progressive Farmer," the dedication of the Ham Wilson Livestock Arena at Auburn, and charter membership in the Alabama Livestock Hall of Fame, also provided outstanding community leadership to such organizations as the Montgomery Area Chamber of Commerce, Montgomery Rotary Club, First United Methodist Church, Alabama 4-H Foundation, and the Alabama Sheriff's Boys and Girls Ranches; and

WHEREAS, the agricultural industry, Auburn University and, indeed, the entire State of Alabama, have suffered a deep and grievous loss in the lamentable death of E. Ham Wilson of Montgomery, Alabama, a genial, selfless, and caring man who was valued as a friend by all those whose lives he touched, and who will long be remembered for his winning smile, his many kindnesses, and for the impact he has had upon the lives of countless others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of E. Ham Wilson of Montgomery, Alabama, and extend our most heartfelt condolences to his beloved

wife of 46 years, Mrs. Louise Lovelady Wilson; his daughter, Nancy Wilson Blount; son, Edward Hamilton Wilson, Jr.; his five grandchildren; sister, Mrs. Elizabeth W. Kitching; and to other family members, whose sorrow we share, and for whom copies of this resolution shall be provided.

Approved April 1, 1994

Time: 2:18 P.M.

Act No. 94-267

H.J.R. 241 – Rep. Black (L)

HOUSE JOINT RESOLUTION

COMMENDING MRS. ANNIE THOMAS OF GREENE COUNTY, ALABAMA.

WHEREAS, it is with a sense of great pride and deep admiration that the Legislature of Alabama notes the numerous contributions of Mrs. Annie Thomas of Greene County, Alabama; and

WHEREAS, Mrs. Thomas has contributed immeasurably to the enrichment of the social, cultural, and economic lives of the community through her dedication and endless efforts on behalf of the Civil Rights Movement in Greene County; and

WHEREAS, she has served as Commissioner of the Greene County Dogtrack for six years, and as a Member of the Board of Directors of the Greene County Improvement Association; additionally, she was the first black person to have a milk distribution service in the county and was the first African-American woman to be employed as a realtor in the area; and

WHEREAS, throughout her life, Annie Thomas has exhibited those admirable attributes of friendliness, devotion to duty, and concern for her fellow citizens, and has gained the respect and affection of all who know her, whether friend or mere acquaintance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mrs. Annie Thomas of Greene County, Alabama, for her significant and lasting contributions to the people of her community and state, and direct that a copy of this resolution be presented to Mrs. Thomas as evidence of our deep appreciation and warmest personal regard.

Approved April 1, 1994

Time: 2:19 P.M.

Act No. 94-268

H.J.R. 242 – Reps. Buskey, Kennedy,
Clark (W)

HOUSE JOINT RESOLUTION

COMMENDING LEFLORE GIRLS' BASKETBALL TEAM ON
WINNING THE STATE CLASS 6A CHAMPIONSHIP.

WHEREAS, the LeFlore High School Girls' Basketball Team of Mobile, Alabama, capped a perfect 29-0 season by winning the State Class 6A Championship, defeating Austin High School 72-49; and

WHEREAS, in winning the 6A crown, the Lady Rattlers became the first girls' championship team from the Mobile area since 1989; and

WHEREAS, Coach Janice Bailey said her Lady Rattlers were tested as never before in the championship game; trailing the Austin Lady Black Bears 36-31 midway through the third quarter, they utilized their ferocious full-court pressure defense to regain the lead and to claim the state title; and

WHEREAS, the Lady Rattlers had five players in double figures against Austin: LaKeesha Cannon with 22, Stacie Davis with 13; Tinika Roberson with 12; Natasha King with 11; and Charmaine Yates with 10; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend the LeFlore Lady Rattlers Girls' Basketball Team on winning the State Class 6A Girls' Championship.

RESOLVED FURTHER, That a copy of this resolution be provided for each team member, the Principal, the Head Coach, Assistant Head Coach, and Athletic Director of LeFlore High School.

Approved April 1, 1994

Time: 2:20 P.M.

Act No. 94-269

H.J.R. 243 – Reps. Parker (P), Anderson

HOUSE JOINT RESOLUTION

COMMENDING HARTSELLE HIGH SCHOOL GIRLS' GYM-
NASTIC TEAM ON WINNING THE STATE CHAMPIONSHIP.

WHEREAS, the Hartselle High School Girls' Gymnastic Team has been coached impressively by Head Coach Martha Cooper and Assistant Coach Sonie Smelser; and

WHEREAS, team members Mandy Hughes, Monica Jenkins, Delight Wintermantel, Lizzie Street, Kristie Johnson, Julie Tomlinson, Paige McDaniel, and Leslie Judkins performed beautifully on the way to an undefeated season; and

WHEREAS, the team then advanced to the statewide gymnastics meet in Tuscaloosa where their outstanding performance resulted in winning the State Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Hartselle High School Girls' Gymnastic Team on winning the State Gymnastics Championship.

RESOLVED FURTHER, That a copy of this resolution be sent to Hartselle High School for proper presentation and display.

Approved April 1, 1994

Time: 2:21 P.M.

Act No. 94-270

H.J.R. 244 – Reps. Parker (P), Anderson

HOUSE JOINT RESOLUTION

COMMENDING HARTSELLE HIGH SCHOOL TIGERS BOYS' BASKETBALL TEAM ON WINNING THE STATE 5A CHAMPIONSHIP.

WHEREAS, the Hartselle High School Boys' Basketball Team recently won the State 5A Basketball Championship for the 1993-1994 season; and

WHEREAS, the championship team consists of members: Dan Coulter, Markeys Barclay, Brad Drake, Clay Styles, Shane Hopkins, Jay Knowlton, Micahl Puckett, Todd Bennich, Barry Putman, Shaun Bundy, and Lee Rooks; and

WHEREAS, the Tigers, coached successfully by Head Coach Don Pouncey and Assistant Coaches Bobby Knowlton, Keith Wright, and Johnny Berry, and assisted greatly by managers Craig Nash and Chris Bresette, and statistician Scott Stephenson posted an impressive 30-5 record for the 1993-1994 season; and

WHEREAS, following the regular season, the Tigers captured the Morgan County Championship and Area 15 Championship; and

WHEREAS, the Tigers next advanced as the regional Northwest Champions before winning the state crown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the Hartselle High School Tigers Boys' Basketball Team on their State 5A Championship year.

RESOLVED FURTHER, That a copy of this resolution be sent to Hartselle High School for proper presentation and display.

Approved April 1, 1994

Time: 2:22 P.M.

Act No. 94-271 H.J.R. 245 – Reps. Holley, Turnham, Beasley,
Newton (C), Mathis, Venable,
Williams, Hammett, Clark (J)

HOUSE JOINT RESOLUTION

HONORING MR. DAN PRESLEY OF COFFEE COUNTY, ALABAMA, UPON HIS RETIREMENT.

WHEREAS, it is with heartiest congratulations and commendation that the Legislature of Alabama notes the retirement of Mr. Dan Presley of Coffee County, Alabama; and

WHEREAS, Mr. Presley will be retiring after 30 years with the Alabama Cooperative Extension Service; he has spent 28 of those years providing distinguished and dedicated service to the citizens of Coffee County; and

WHEREAS, he is a graduate of Opp High School and received a B.S. Degree in Animal Husbandry and Nutrition from Auburn University; in 1967 he was awarded a Master's Degree of Agriculture and completed his Specialist in Education (Ed.S.) from Auburn University in 1978; and

WHEREAS, beginning work with the Cooperative Extension Service in Tallapoosa County in 1964, Mr. Presley, in 1966, transferred to Coffee County, where over the years, he has immeasurably contributed his energies, time, and many talents to the 4-H Club Program and various agricultural programs, including the production of livestock, peanuts, and poultry, as well as programs involving horticulture, gardening, and economic development; and

WHEREAS, as evidence of his commitment and achievements, Dan Presley has received the State and National Communication Awards from the National Association of County Agents, the

Outstanding Leadership Award from the Alabama Poultry and Egg Association, the Award for Excellence from Auburn University Extension, and Roll of Honor from the Coffee County Cattlemen's Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement and in recognition of longtime and outstanding service, we most highly commend Mr. Dan Presley, for whom a copy of this resolution shall be presented with sincere best wishes for every future happiness and success.

Approved April 1, 1994

Time: 2:23 P.M.

Act No. 94-272 H.J.R. 247 – Reps. Knight (J), Holmes, Hooper, Kennedy, Clark (W), Newton (D), Rogers (J), Melton, Spratt, Hilliard, Hall (L), McDowell, Buskey, Thomas, Clay, Bryant, Black (L)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LEVI WATKINS, PRESIDENT EMERITUS OF ALABAMA STATE UNIVERSITY.

WHEREAS, herein grievously recorded by the Legislature of Alabama is the lamentable death of Levi Watkins of Montgomery, Alabama, on March 3, 1994, at the age of 84 years; and

WHEREAS, Levi Watkins served with great distinction as president of Alabama State University from 1962 to 1981; and

WHEREAS, Levi Watkins held the title President Emeritus after his retirement until his death on March 3, 1994; and

WHEREAS, education, in general, and Alabama State University, in particular, lost a great friend with the death of President Emeritus Watkins; and

WHEREAS, President Emeritus Watkins provided 19 years of leadership at Alabama State University that led to the university's receiving two major accreditations, one from the Southern Association of Colleges and Schools in 1966 and one from the National Council for Accreditation of Teacher Education in 1973; and

WHEREAS, President Emeritus Watkins was well-known for his management skills and, upon assuming the duties of president, immediately implemented an administrative restructuring, including creation of a central purchasing office, a new accounting system and a movable equipment inventory; and

WHEREAS, President Emeritus Watkins took the campus from a \$10 million value in 1962 to a \$43.6 million value in 1981; and

WHEREAS, President Emeritus Watkins constructed 12 new buildings and renovated 5 major buildings at the university during his administration; and

WHEREAS, President Emeritus Watkins established the first Alabama State University President's Award in 1964; and

WHEREAS, President Emeritus Watkins' leadership influenced Governor George C. Wallace to proclaim December 15, 1966, Alabama State College Day; and

WHEREAS, President Emeritus Watkins was a progressive administrator, hiring the first woman vice president at the university in 1972, and the first woman academic dean in 1976, integrating the ASU faculty in 1967 for the first time since 1904, and enrolling and graduating the first white student in 1970; and

WHEREAS, during the turbulent 1960s, colleges and universities were torn apart by disquiet, dissension, protests and violence, but President Emeritus Watkins' good crisis management kept violence from Alabama State University; and

WHEREAS, under the leadership of President Emeritus Watkins, university status was conferred on June 26, 1969; and

WHEREAS, Alabama State University's Air Force ROTC program was activated in June 1971; and

WHEREAS, President Emeritus Watkins saw the first board of trustees appointed at Alabama State University in 1976, thus removing the institution from the control of the State Board of Education; and

WHEREAS, the Alabama Legislature named the Levi Watkins Learning Center for the President Emeritus in 1976; and

WHEREAS, during 1979-80, Alabama State University's basketball team was number one in the nation; and

WHEREAS, at the age of 75, the President Emeritus was asked to serve as Interim President of Bishop College in Texas; and

WHEREAS, this Kentucky native, born January 15, 1910, has written his memoirs, titled *Fighting Hard*, published his presidential papers, and has written a definitive history of the institution that is scheduled for publication; and

WHEREAS, these chronicles document the enormous accomplishments and contributions of this highly distinguished educator and administrator; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks unto God for the life and service of Levi Watkins, and extend our most heartfelt sympathy to his beloved wife, Mrs. Lillian Watkins; daughters, Mrs. Pearl W. McDonald and Mrs. Doristine W. Minott; to his sons, Dr. Levi Watkins, Jr., Dr. James Watkins, and Attorney Donald Watkins; and to other family members, whose grief we share, and for whom copies of this resolution shall be provided.

Approved April 1, 1994

Time: 2:24 P.M.

Act No. 94-273

H.J.R. 250 – Rep. Black (L)

HOUSE JOINT RESOLUTION

COMMENDING THE SUMTER COUNTY HIGH SCHOOL BOYS BASKETBALL TEAM AS THE 1994 STATE CLASS 4A CHAMPIONS.

WHEREAS, it is with heartiest congratulations that the Alabama Legislature commends the Sumter County High School Boys Basketball Team on the outstanding success of their 1994 season and State Class 4A Basketball Championship; and

WHEREAS, the Champion Wildcats, under the talented direction of Head Coach Johnny Patrick, who was ably assisted by Coaches Darren Blakley and Chris Spencer, finished the regular season with an impressive record of 22 wins and only five losses, and advanced to the final four of the State Basketball Playoffs to capture the coveted State Class 4A Title; and

WHEREAS, deserving of highest praise for their accomplishments are team members Anthony Artis, Demetrius Bollar, Bobby Collins, Benjamin Foster, Willie Harris, Norris Lake, Timothy Lake, Timothy Law, Thomas McAboy, Demetrius Noble, Johnny Patrick, Jr., Roscoe Tucker, Reginald Walker, Melvin Willis, Jr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend

Coach Johnny Patrick and the Sumter County Wildcats as the 1994 State Class 4A Champions, and do further direct that copies of this resolution be provided for appropriate presentation and display at Sumter County High School.

Approved April 1, 1994

Time: 2:25 P.M.

Act No. 94-274 H.J.R. 252 – Reps. Turnham, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hilliard, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Venable, Walker, Warren, White, Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF E. HAM WILSON OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Legislature of Alabama records the death of E. Ham Wilson of Montgomery, Alabama, on March 11, 1994, at the age of 72 years; and

WHEREAS, a veteran of World War II, and a graduate of Auburn University, Ham Wilson was a native of Greenville who, for more than 40 years, was known and acknowledged, statewide, as one of Alabama's most prominent citizens who served with great dedication and commitment as executive vice president of the Alabama Cattlemen's Association for 34 years, as executive director of governmental affairs for Auburn University for 7 1/2 years, and as an initiator and executive director of The Southeastern Livestock Exposition Rodeo for more than 36 years; and

WHEREAS, Mr. Wilson, who built the Alabama Cattlemen's Association into the largest such group in the nation before retiring in 1985, also started the "Alabama Cattleman" magazine, and expanded cattle production from the sectional occupation that it was in 1958 into a statewide \$1.5 billion dollar industry; and

WHEREAS, as the first executive director of Auburn University's first full-time governmental relations office in Montgomery, Mr. Wilson was instrumental in the passage of such significant legislation as the License to Learn scholarship tag program, and the Eminent Scholars program for Alabama colleges, among many others; and

WHEREAS, Mr. Wilson, who was the recipient of numerous distinctions, including Man of the Year by the "Progressive Farmer," the dedication of the Ham Wilson Livestock Arena at Auburn, and charter membership in the Alabama Livestock Hall of Fame, also provided outstanding community leadership to such organizations as the Montgomery Area Chamber of Commerce, Montgomery Rotary Club, First United Methodist Church, Alabama 4-H Foundation, and the Alabama Sheriff's Boys and Girls Ranches; and

WHEREAS, the agricultural industry, Auburn University and, indeed, the entire State of Alabama, have suffered a deep and grievous loss in the lamentable death of E. Ham Wilson of Montgomery, Alabama, a genial, selfless, and caring man who was valued as a friend by all those whose lives he touched, and who will long be remembered for his winning smile, his many kindnesses, and for the impact he has had upon the lives of countless others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of E. Ham Wilson of Montgomery,

Alabama, and extend our most heartfelt condolences to his beloved wife of 46 years, Mrs. Louise Lovelady Wilson; his daughter, Nancy Wilson Blount; son, Edward Hamilton Wilson, Jr.; his five grandchildren; sister, Mrs. Elizabeth W. Kitching; and to other family members, whose sorrow we share, and for whom copies of this resolution shall be provided.

Approved April 1, 1994

Time: 2:26 P.M.

Act No. 94-275

H.J.R. 253 – Rep. Black (L)

HOUSE JOINT RESOLUTION

COMMENDING THE SUMTER COUNTY HIGH SCHOOL GIRLS BASKETBALL TEAM ON AN OUTSTANDING 1993-94 SEASON.

WHEREAS, it is with great pleasure that the Legislature of Alabama commends and congratulates the Sumter County High School Girls Basketball Team on an outstanding 1993-94 basketball season; and

WHEREAS, the talented Lady Wildcats, under the able leadership of Head Coach Alonzo Sledge, most ably assisted by Coaches Darren Blakley and Chris Spencer, finished the regular season with a spectacular 22-2 record, advanced to the final four of the State Basketball Playoffs, and finished as runner-up for the Class 4A Championship; and

WHEREAS, contributing to an exceptional team effort were team members Cashandra Boyd, Yolanda Crawford, Lawanda Delaine, Deshanna Graham, Deveeta Hines, Remona Jemison, Tywana Miller, Temeka Mumford, Angela Ray, Camilla Ruffin, Diann Smoot, Latonja Steele, and Sharon Thompson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Coach Alonzo Sledge and the Sumter County High School Girls Basketball Team, and direct that copies of this resolution be provided for appropriate presentation and school display.

Approved April 1, 1994

Time: 2:27 P.M.

Act No. 94-276

H.J.R. 254 – Rep. Rockhold

HOUSE JOINT RESOLUTION

COMMENDING MR. LUM ANGLIN OF TILLMAN'S CORNER, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Mr. Lum Anglin of Tillman's Corner on his recent designation as a member of the Grand Cross of Color for 1994 by the Supreme Assembly, International Order of the Rainbow for Girls; and

WHEREAS, the prestigious honor is bestowed for outstanding service rendered to the International Order of the Rainbow for Girls and, as a new member, Mr. Anglin's name will be entered among other distinguished members in the Grand Cross of Color Book in the International Rainbow Temple; and

WHEREAS, Mr. Anglin is also active in numerous other community and civic endeavors, and is past president of the Tillman's Corner Chamber of Commerce and a Mason; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, and upon his induction as a member of the Grand Cross of Color for 1994, we hereby most highly commend Mr. Lum Anglin of Tillman's Corner, Alabama, for whom a copy of this resolution shall be provided.

Approved April 1, 1994

Time: 2:28 P.M.

Act No. 94-277

H.J.R. 263 – Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING THE BELGREEN HIGH SCHOOL BULLDOGS BASKETBALL TEAM ON AN OUTSTANDING 1993-94 SEASON.

WHEREAS, the Alabama Legislature, in consensus of commendation, congratulates the Belgreen High School Bulldogs of Franklin County on an outstanding 1993-94 basketball season; and

WHEREAS, the Bellgreen High Bulldogs are indeed deserving of highest praise for their accomplishments during the season; under the leadership of Coach Steve Pounder, the Bulldogs finished as Northwest Regional Champions with an impressive 24-4

record, and were runners-up for the state Class A Championship held recently in Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Coach Steve Pounder and each member of the Belgreen High School Basketball Team, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved April 1, 1994

Time: 2:29 P.M.

Act No. 94-278

H.J.R. 265 – Reps. Ford, Smith (R), Page

HOUSE JOINT RESOLUTION

COMMENDING STEVE GRISSOM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Steve Grissom, a native of Gadsden, Alabama, for his many outstanding accomplishments as a NASCAR driver; and

WHEREAS, Steve Grissom, the 1993 Busch Grand National Series Champion, had his first career start on the short track at Talladega, Alabama, in 1979 and, over the ensuing years of his illustrious career, has enjoyed such NASCAR Bush Grand National Series victories as the Granger Select 200, Kroger 200, AC Delco 200 and Winston Classic (1990); Coors 300 (1991); Firecraker 200 (1992); and the Mountain Dew 400 and Havoline 250 (1993); and

WHEREAS, also, among many other achievements, he placed third in Busch Grand National Point standings in 1990, and tenth in 1991; was named All-Pro Series National Champion in 1985; and was nominated for “Pro Athlete of the Year” by the Alabama Sports Writers Association in 1986; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Steve Grissom, an Alabama native in whom we are justly proud, and for whom a copy of this resolution of sincere regard shall be provided.

Approved April 1, 1994

Time: 2:30 P.M.

Act No. 94-279

H.J.R. 268 – Rep. Ford

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND PRESTON NIX OF ATTALLA, ALABAMA, FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes the Reverend Preston Nix upon his selection to the Alabama Association of School Board's All-State School Board during the AASB Convention, December 11, 1993; and

WHEREAS, over the years, the Reverend Nix has provided invaluable leadership and distinguished service to the Attalla City School System; he has served on the Attalla City Board of Education since 1986; has served as school board vice chairman for two years; and is a second-year Master School Board Member; and

WHEREAS, the Reverend Nix, who has been an employee of Goodyear Tire Company for 22 years, has been involved in the community through holding such positions as treasurer of Etowah Gadsden Community Service Program, director of the Etowah County Food Bank, board member of United Way, and as an active member of the Special Alert Education Task Force, Parent-Teacher Organization of the Etowah Middle School, and Etowah Touchdown Club, to name but a few; and

WHEREAS, the Reverend Nix was ordained a deacon in 1987, and as a minister in 1992, and serves as an adult teacher at Friendship Baptist Church, where he was president of the Usher Board for four years; and

WHEREAS, the Reverend Nix holds firmly to his conviction that all children should have an equal opportunity to achieve their highest potential, and is particularly concerned that minority students have positive role models with which to identify; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of numerous outstanding contributions and service to the community and to education in our state, and upon his selection to the AASB All-State School Board, we hereby most highly commend the Reverend Preston Nix, for whom a copy of this resolution shall be provided.

Approved April 1, 1994

Time: 2:31 P.M.

Act No. 94-280

H.J.R. 269 – Rep. Hawkins

HOUSE JOINT RESOLUTION

COMMENDING MARIBETH THOMAS OF BIRMINGHAM, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Maribeth Thomas for outstanding contributions and service to The Prescott House in Birmingham, Alabama, and to the thousands of sexually abused children in Jefferson County who have passed through its doors on their way through the criminal justice system; and

WHEREAS, since The Prescott House opened in 1987, convictions for child abuse have risen about 70%, and much of this success is attributable to the extraordinary work of Maribeth Thomas; and

WHEREAS, Mrs. Thomas, who came to The Prescott House in 1990, as a Crisis Counselor, soon began the forensic interviews of abused children, an approach rarely, if ever, used by advocacy centers at the time; and

WHEREAS, over her tenure at Prescott House, Mrs. Thomas has demonstrated extraordinary talent in this area and in her ability to adjust and adapt to the individuality of each child with whom she has come in contact; this fact, coupled with her generosity and unselfishness in sharing the expertise with others through training seminars, has made the journey through the criminal justice system far less traumatic, not only for the unfortunate number of child victims in Jefferson County but for thousands of other abused children as well; and

WHEREAS, Mrs. Thomas is truly a remarkable young woman, who has worked tirelessly, and from her heart, in the interest of the children of Jefferson County and children everywhere, and is indeed deserving of public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to her many outstanding contributions and service, we hereby most highly commend Maribeth Thomas of Birmingham, Alabama, and direct that she receive a copy of this resolution of sincere gratitude and esteem.

Approved April 1, 1994

Time: 2:32 P.M.

Act No. 94-281

H.J.R. 270 – Rep. Perdue

HOUSE JOINT RESOLUTION**HONORING MR. EARL C. CUNNINGHAM OF MONTEVALLO, ALABAMA, UPON HIS RETIREMENT.**

WHEREAS, it is with heartiest congratulations and commendation that the Alabama Legislature notes the retirement of Mr. Earl C. Cunningham of Montevallo, Alabama; and

WHEREAS, in April of this year, Mr. Cunningham will be retiring from the University of Alabama at Birmingham where, for the last 22 years, he has been employed as Educational and Placement Counselor for Operation MEDIHC, a program of the National Institutes of Health; and

WHEREAS, a native of Montevallo, he is a graduate of the University of Alabama at Birmingham, where he received his B.A. in History and Psychology and a Master's of Arts in Education in Counseling and Guidance; he has also completed over 50 semester hours beyond the Master's level in post graduate studies; and

WHEREAS, a decorated 21-year veteran of both the Navy and the Army, Mr. Cunningham served as a landing craft operator in Korea during the Korean conflict and retired from the Army in 1971 as an acting Sergeant Major; and

WHEREAS, Mr. Cunningham, over the years, has immeasurably contributed his energies, time, and many talents to numerous social, civic, religious, charitable, professional, and humanitarian endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement and in recognition of longtime and outstanding service, we most highly commend Mr. Earl C. Cunningham, to whom a copy of this resolution shall be presented with sincere best wishes for every future happiness and success.

Approved April 1, 1994

Time: 2:33 P.M.

Act No.94-282

H.J.R. 272 – Rep. Carter

HOUSE JOINT RESOLUTION**RELATIVE TO MEETING DAYS**

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, March 17, 1994, they adjourn to meet again on Tuesday, March 22, 1994.

Approved April 1, 1994

Time: 2:34 P.M.

Act No. 94-283

H.J.R. 220 – Rep. Box

HOUSE JOINT RESOLUTION

IN REMEMBRANCE OF MR. ROBERT BOYD SMALLWOOD.

WHEREAS, this legislative body notes the rich and abundant life of Mr. Robert Boyd Smallwood, a resident of Chickasaw, Alabama, since 1928, whose zest for life was only surpassed by his concern and compassion for his fellowman; and

WHEREAS, the number of civic endeavors in which Mr. Smallwood participated are incalculable; they include service as city civil defense chairman, representative to the Alabama Coastal Board, secretary and treasurer of the Mobile County Municipal Association, member of the Mobile County Democratic Committee for 25 years, member of the board of the Chickasaw Chamber of Commerce for 11 years, member of the Chickasaw City Council, serving on seven different councils under three mayors during 23 years, a participant on the police, recreation, finance, public improvement and maintenance committees of the City of Chickasaw, and member of the Utilities Board; and

WHEREAS, Mr. Smallwood was an invaluable employee of International Paper Company for 40 years, serving as a superintendent at the time of retirement, and was a charter member of the International Brotherhood of Papermakers Union Local #265, from 1933 to 1953, serving as President for 10 years; and

WHEREAS, Robert Smallwood was admirably devoted to his faith; he was a charter member of the Chickasaw Methodist Church and served as a trustee, member of the Council on Ministries, board member, President of the Men's Club, and as an active member of the Men's Bible Study Class; he was also dedicated to his family and in 1979, the Smallwoods were named "Family of the Year"; and

WHEREAS, other affiliations of Mr. Smallwood included the Kiwanis Club, Chickasaw School PTA, Chickasaw Lodge No. 894,

past patron of John B. Shearer Chapter No. 517, Knight Templar, and the A.A.O.N.M.S. Abba Temple, each of which he served with his extraordinary enthusiasm and energy; and

WHEREAS, in later life Robert Smallwood remained committed and connected to the civic and charitable affairs of his city; he delivered lunches for the Meals on Wheels Program and was an active member of the Salvation Army Board; and

WHEREAS, R. B. Smallwood was a participant, not an observer; boxing was his sport in his early years as an amateur and semi-professional and, as always, his participation led to service; in 1980, he received an award from the Alabama Amateur Boxing Officials Association in recognition of his contributions to the sport; he also was an accomplished diver, from the top of the trestle over the Chickasabogue Creek, he performed swan dives, half gainers, and other dives; in his fifties he would demonstrate these aerial feats to the amazement of his children, the astonishment of his friends, and for his own sense of accomplishment; and

WHEREAS, Mr. Smallwood was a naturalist and environmentalist long before such interests were in style, he was motivated by the love of the outdoors and was a good steward of the abundant natural bounty and beauty of his region; and

WHEREAS, next to his faith and his family, Mr. Smallwood's greatest love was the Chickasabogue Creek; he knew the creek like he knew his city; he knew every bird, bug, and beast of the bogues and bayous; he knew the coves, courses, currents, channels, and canals of the creek and he knew the pleasures it provided—boating, diving, picnicking, swimming, fishing, hiking, hunting, and houseboating; and

WHEREAS, Robert Smallwood researched and authored a history of the "Early Days of Chickasaw," stating that the Chickasaw Indians would come annually to the area; they called his creek "Oka-ishto" or "Great Water" and used it as the gateway to Mobile Bay and the Gulf of Mexico and as a highway for their floundering and oystering expeditions; and

WHEREAS, one of Mr. Smallwood's favorite poems was "The Magic of the Chickasa"; it reminds us of the old legend that if one tastes the water of the Chickasa one becomes so attached to this stream and to the region through which it flows that even though he leaves, he will always long to return; the last stanza reads:

"What have you done, bright Chickasa?

What spell is on me cast?

For by some wondrous mystic law,

You draw me, hold me fast."

and

WHEREAS, in 1984, Robert Smallwood stated "Anything I've ever wanted to do, I've done"; the members of this legislative body consider, compare, and celebrate the remarkable life of this man, a life comprised of hard work, rearing a family, love of nature, and obtaining sincere satisfaction from each accomplished task; and

WHEREAS, it is highly proper that the Legislature of Alabama recognize the service of Mr. Robert Boyd Smallwood, to his city, region, and state in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge spanning Chickasabogue Creek on U. S. Highway 43 in the City of Chickasaw shall be designated as the R. B. Smallwood, Sr., Memorial Bridge as a continuing memorial to this notable individual, so that by law the memory of Mr. Smallwood may be eternally drawn to and held fast above his beloved Chickasabogue.

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to the family of Mr. Smallwood and to the City of Chickasaw, so they may know of this tribute.

Approved April 1, 1994

Time: 2:35 P.M.

Act No. 94-284

H.J.R. 221 – Reps. Cosby, Thomas, Bryant

HOUSE JOINT RESOLUTION

COMMENDING THE SELMA HIGH SCHOOL SAINTS ON THE 1994 STATE CLASS 6A BASKETBALL CHAMPIONSHIP AND DESIGNATING MARCH 10, 1994, AS "SELMA SAINTS DAY" IN THE STATE OF ALABAMA.

WHEREAS, it is with great pleasure that the members of the Alabama Legislature join their colleagues, Senator Hank Sanders, and Representatives W. F. "Noopie" Cosby, Jr., James L. Thomas and Jenkins Bryant, Jr., in most heartily congratulating Selma High School on the 1994 State Class 6A Basketball Championship; and

WHEREAS, the Selma Saints, who won the State 6A Title by virtue of a 64-48 victory over Le Flore High School at the Birmingham-Jefferson Civic Center on March 5, 1994, were superbly coached to the State 6A Championship, and an overall 22-11 season record, by Head Coach Willie E. Maxey, Jr., and Assistant Coaches Anthony Harris and Foster Davis; also assisting were Volunteer Coaches Ronald Lane and Kenneth Burden, along with Coach Emeritus Andrew A. Sewell; and

WHEREAS, the Selma High School Saints, each of whom greatly contributed to the team's phenomenal season, are Donnie Johnson (All-Tournament and M.V.P.), Andre Chestnut (All-Tournament), and Julius (Doc) Robinson (All-Tournament), along with their talented teammates Bruce Dozier, Byron Evans, Robbie Fitts, Antonio Furlow, Eddie Harris, Eric Hyatt, Jarrin Lewis, Clifford Nix, Andrew Roper, Markho Strong, Lashonte Tolbert, Terry Torrance, and Antwan Walter; and

WHEREAS, serving as Team Managers were Jasper Bowie, Tavares Durgan, Farruk Iqbal, Chris Murry and Kelsey Pearl; Statisticians Cicley Nelson, Marquell Nelson and Ebony Reese; Videographer Derryl Roger; and Chaperone Shelia Carmichael; and

WHEREAS, the Selma High Varsity Cheerleaders, who enthusiastically led the student body, administrators, faculty, staff, and countless other fans in cheering the Saints to victory were Tolanda Broadnax, Staci Brown, Michelle Goldsby, Stephanie Johnson, Myeliya Moten, Venus Childress, Kiaja Melton, Sheronica McGuire and Tyrinda Simms, who were coached by Ms. Lucretia Pettaway; Yolanda McGuire and Krystle Pettaway served as team managers, the cheerleaders' chaperones were Mrs. Barbara McGuire and Mrs. Linda Savage, and the Voice of the Saints — Mr. William "Bill" King; and

WHEREAS, further, the Selma High Saints, throughout the entire season, were consistently encouraged and fully supported by Athletic Director George Pugh; Selma City School System Superintendent, Dr. James Carter; Principal, Mr. Donald Jefferson; and the school's Assistant Principals, Mr. William Minor and Mr. Herb McCreary; and

WHEREAS, in winning the 1994 State 6A Basketball Title, the Selma Saints are indeed deserving of highest praise, as are all those who played an instrumental role in the team's victorious season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Selma High School Saints on the 1994 State Class 6A Basketball Championship, and direct that copies of this resolution be prepared for appropriate presentation during the Award and Dedication ceremony on March 10, 1994.

BE IT FURTHER RESOLVED, That in recognition of outstanding achievement, and in tribute to Alabama's 1994 6A Basketball Champions, we hereby designate March 10, 1994, as "Selma Saints Day" in the State of Alabama.

Approved April 1, 1994

Time: 2:36 P.M.

Act No. 94-285

H.J.R. 223 – Rep. Williams

HOUSE JOINT RESOLUTION

WELCOMING THE FUTURES GOLF TOUR TO ALABAMA.

WHEREAS, the Futures Golf Tour, featuring young skilled female golfers, is in its 14th season; and

WHEREAS, many of today's Ladies Professional Golf Association (LPGA) tour players had their start on the Futures tour; and

WHEREAS, the people of Alabama and the Wiregrass will have an opportunity to see golf played by young female professional golfers; and

WHEREAS, local charities will benefit, monetarily, from the proceeds of the tournament being played at the Olympia Spa, near Dothan, Alabama; and

WHEREAS, Alabama's wish to the Futures Golfers is that their drives be straight and their putts true, and, when all is done, we hope their memories of Alabama and the Wiregrass will be as fond as ours will be of them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama takes great pride in welcoming the Futures Golf Tour, with its some 125 young female professional golfers, to Alabama, the Wiregrass, and the Olympia Spa.

BE IT FURTHER RESOLVED, That a copy of this resolution of welcome and friendship be provided to the Futures Golf Tour, on behalf of the Tour's 125 professional golfers.

Approved April 1, 1994

Time: 2:37 P.M.

Act No. 94-286

H.J.R. 224 – Rep. Williams

HOUSE JOINT RESOLUTION

RECOGNIZING THE ALABAMA LIONS SIGHT CONSERVATION ASSOCIATION, INC.

WHEREAS, the Lions of Alabama are celebrating the 50th Anniversary of the founding of the Alabama Lions Sight Conservation Association, Inc., a non-profit corporation which was incorporated March 21, 1944; and

WHEREAS, the purpose and object of this corporation is to provide examinations, medicines, surgery, hospitalization, optical

supplies, and similar services and supplies for medically indigent Alabamians with eye defects and eye diseases who cannot receive such assistance through tax supported programs or other non-profit organizations; to provide equipment, instruments and grants to be used in the diagnosis, treatment, and research of eye diseases and eye defects; to preserve, conserve and restore the vision of medically indigent persons in Alabama; to promote sight conservation education in the schools of Alabama; and to promote education in the prevention of blindness through the distribution of information and through visual screening; and

WHEREAS, Alabama Lions Sight Conservation Association, Inc., from humble beginnings in 1944-45 with donations and proceeds of \$15,804.63 and 39 patients served, has grown to contributions in 1993 of \$386,667, and contributed physician services of \$1,357,761, with 4,718 patients served; and

WHEREAS, throughout the 50 years of dedicated service to the citizens of the State of Alabama, more than 139,281 patients have been provided quality eye care, 12,529 patients have been provided surgery and/or hospitalization, with \$22,872,456 in donations and contributions raised, and \$11,116,576 in contributed physician services, which represents a significant savings to our citizenry and tax-supported medical programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend recognition and gratitude to the Lions of Alabama, the Alabama Lions Sight Conservation Association, Inc., and to the medical community who supports and contributes to this most worthy humanitarian service project, for their 50 years of service to the citizens of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution of sincere praise and gratitude be provided to the Alabama Lions Sight Conservation Association, Inc., and to the Lions of Alabama.

Approved April 1, 1994

Time: 2:38 P.M.

Act No. 94-287

H.J.R. 229 – Reps. McClain, Rogers (J)

HOUSE JOINT RESOLUTION

COMMENDING THE JEFFERSON COUNTY CHAPTER OF THE COALITION OF 100 BLACK WOMEN.

WHEREAS, the Jefferson County Chapter of the Coalition of Black Women, which boasts some 100 members under the

leadership of Mrs. Frances Brown, is affiliated with the National Coalition of 100 Black Women housed in New York City, and is a non-profit voluntary organization dedicated to community service, leadership development, and the enhancement of career opportunity through networking and programming; and

WHEREAS, the chapter was founded by Dr. Minnie Gaston in November 1982, and received a Certificate of Incorporation from the State of Alabama in October 1989; and

WHEREAS, the mission of the coalition is to provide a network among black women leaders, as well as an established link between the National Coalition of Black Women and the corporate and political sectors; and

WHEREAS, the Jefferson County Chapter of the Coalition of Black Women, among many worthy endeavors, has given numerous scholarships to teen mothers, summer camps for boys, contributed to battered wives programs, and conducted voter registration drives in several communities in the Jefferson County area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to the Jefferson County community, and to the State of Alabama, we hereby most highly commend the Jefferson County Chapter of the Coalition of 100 Black Women, and direct that a copy of this resolution be provided for appropriate presentation and display.

Approved April 1, 1994

Time: 2:39 P.M.

Act No. 94-288

H.J.R. 231 – Reps. Kvalheim, Drake

HOUSE JOINT RESOLUTION

COMMENDING MURRAY K. McCOMAS OF WARREN, PENNSYLVANIA, FOR OUTSTANDING SERVICE TO SIGMA CHI FRATERNITY.

WHEREAS, it is with sincere pleasure that the Alabama Legislature recognizes Murray K. McComas for his many years in devoted service to Sigma Chi Fraternity and extends heartiest congratulations on his recent selection as the fraternity's 58th Grand Consul; and

WHEREAS, since his undergraduate days at the University of Pennsylvania, when he served as rush chairman and Pro Consul of the Phi Phi Chapter of Sigma Chi, Murray McComas has filled almost every position of alumni service; and

WHEREAS, he has served as assistant executive secretary and workshop administrator at Sigma Chi headquarters, and has devoted the last 25 years in service to the Leadership Training Workshop as discussion leader, head of the Consuls Division, and as a member of the Leadership Training Board, and, in 1977, was honored with the William Carlisle Outstanding Faculty Member Award; and

WHEREAS, Mr. McComas has also served in such positions as Grand Praetor of the West Virginia-Western Pennsylvania Province (1962-77), and as chairman of the standing committees on Undergraduate Participation, Dues and Fees, and Long Range Planning; and

WHEREAS, a member of the Order of Constantine and a Significant Sig, he has further served as an alumni at-large member of the Executive Committee, Grand Quaestor, Grand Pro Consul, and, in 1993, was selected as the fraternity's 58th Grand Consul, marking 35 years of alumni dedication to Sigma Chi; and

WHEREAS, Sigma Chi is represented at eight institutions of higher learning in Alabama, including the University of Alabama, Auburn University, the Universities of South Alabama and North Alabama, Troy State University, Samford University, Springhill College and Birmingham Southern College, and has three alumni chapters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Sigma Chi Fraternity, and as the fraternity's 58th Grand Consul, **we hereby most highly commend and congratulate Murray K. McComas, for whom a copy of this resolution shall be provided.**

Approved April 1, 1994

Time: 2:40 P.M.

Act No. 94-289

H.J.R. 232 – Rep. Hammett, Anderson, Barnes,
Beasley, Biddle, Black (L),
Black (M), Blakeney, Bowling,
Box, Bryant, Burke, Buskey,
Butler, Cagle, Campbell, Carns,
Carothers, Carter, Clark (J),

Clark (W), Clay, Collins, Cosby,
 Crow, Cullins, Curry, Dolbare,
 Drake, Flowers, Ford, Freeman,
 Fuller, Gaines, Gaston, Goodwin,
 Gullatt, Hall (A), Hall (L),
 Hamilton, Haney, Harper,
 Harvey, Hawkins, Haynes,
 Higginbotham, Hill, Hilliard,
 Hogan, Holladay, Holley, Holmes,
 Hooper, Johnson, Kennedy,
 Knight (A), Knight (J), Kvalheim,
 Laird, Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Page, Parker (P), Parker (T),
 Payne, Penry, Perdue, Petelos,
 Poole, Powell, Rich, Richardson,
 Rockhold, Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING STEADMAN S. SHEALY, JR., FOR OUT-
 STANDING ACHIEVEMENT AND SERVICE TO THE STATE
 OF ALABAMA.

WHEREAS, in sincere admiration of his many notable accom-
 plishments as an athlete and scholar, the Legislature of Alabama
 also acknowledges, with deep gratitude, the invaluable contributions
 of Steadman S. Shealy, Jr., in service to the State of Alabama; and

WHEREAS, a Dothan native and a graduate of Dothan High
 School, Steadman Shealy graduated with honors from the
 University of Alabama where he was quarterback for the National
 Football Championship team under Coach Paul "Bear" Bryant in
 1978-1979; and

WHEREAS, also as a student-athlete at the University,
 Steadman Shealy was Academic All-SEC as a Junior; Academic
 All-SEC and Academic All-American in his senior year; and was
 selected by the NCAA, based on leadership, character and ability,
 as one of the top five athletes in the nation; and

WHEREAS, Mr. Shealy, in a continuation of personal achievement and leadership, is a highly successful attorney who is presently engaged in the practice of law in Dothan; he further is an active Christian speaker who is frequently asked to address various organizations, including youth groups, and has been recognized for his endeavors with such distinctions as the Toastmasters International Communication and Leadership Award for service to community, state and industry; and

WHEREAS, most particularly, however, the Legislature deems it appropriate at this time to recognize and commend Steadman Shealy, Jr., for his service to the State of Alabama as District 2 Representative to the State Board of Education since 1986; and

WHEREAS, Mr. Shealy, who has decided not to seek reelection to the Board, has served with utmost honor and distinction during these past eight years of a dedicated and accomplished tenure that has earned him the highest regard of his peers and his District 2 constituents, as well as all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his outstanding contributions and service to the State of Alabama and the State Board of Education, we hereby commend Steadman S. Shealy, Jr., of Dothan, Alabama, whom we greatly admire, and for whom a copy of this resolution shall be provided.

Approved April 1, 1994

Time: 2:41 P.M.

Act No. 94-290

H.J.R. 233 – Rep. Rogers (J)

HOUSE JOINT RESOLUTION

COMMEMORATING THE LIFE AND SERVICE OF THE LATE REPRESENTATIVE RAY BURGESS.

WHEREAS, Ray Burgess was first elected to serve District 58 in the Alabama House of Representatives in 1966, and was re-elected by the people of Calhoun County to serve two additional terms; and

WHEREAS, he was a graduate of Jacksonville State University; a veteran of the United States Naval Reserve; and was a Baptist, Mason and Shriner; and

WHEREAS, Representative Burgess was married to the former Ann Carroll, and was the proud father of three daughters and a son; and

WHEREAS, Ray Burgess was a vigorous and capable leader, legislator, and devoted servant of the people, who was strong and direct in his beliefs and convictions, and who, over his tenure, sought to improve his community and state, and to benefit and enrich the lives of all Alabamians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby posthumously recognize and honor Representative Ray Burgess, our former friend and colleague, for many outstanding contributions to our state as a representative of the people.

Approved April 1, 1994

Time: 2:42 P.M.

Act No. 94-291

H.J.R. 234 – Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING ALABAMA POWER COMPANY AND ITS EMPLOYEES.

WHEREAS, the recent ice storm which struck North Alabama disrupted many basic services, and necessitated the closing of schools and businesses throughout the area; and

WHEREAS, ice and falling trees interrupted electric service for over nine thousand customers of Alabama Power Company; and

WHEREAS, Alabama Power Company personnel worked diligently under extremely demanding circumstances to restore power to customers in Franklin, Marion, and Winston Counties; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we gratefully acknowledge and highly commend the employees of Alabama Power Company, the International Brotherhood of Electrical Workers, Local Union No. 833 of Jasper, and Local Union No. 841 of Birmingham, who performed their jobs with such concern and determination.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Alabama Power Company and its employees in appreciation of their efforts.

Approved April 1, 1994

Time: 2:43 P.M.

Act No. 94-292

H.J.R. 235 – Reps. Morton, Sanderson

HOUSE JOINT RESOLUTION

COMMENDING SALLIE LOWE OF BIRMINGHAM,
ALABAMA, FOR OUTSTANDING CONTRIBUTIONS.

WHEREAS, the Legislature of Alabama, in consensus of commendation, recognizes Sallie Lowe of Birmingham, Alabama, for her many outstanding contributions and service to the Order of Eastern Star and to her community; and

WHEREAS, Sallie Lowe was elected to membership of Electa Chapter #10 of the Order of Eastern Star on March 6, 1969, and, in the years following her initiation on April 16th, served the chapter in a number of distinguished positions including Associate Conductress, Conductress, Secretary, Treasurer, Associate Matron, and on seven occasions as Worthy Matron; and

WHEREAS, following the merger of the Electa Chapter with Wahouna Chapter #221, she continued in dedicated service as a member of various chapter committees and also has given generously of her time and talent as Organist for the Wahouna Chapter, and other chapters in the state, and currently serves as Grand Organist of the Alabama Grand Chapter of the Order of Eastern Star; she has further provided invaluable service in civic and community affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to the Order of Eastern Star, and to the community, we hereby most highly commend Sallie Lowe, to whom a copy of this resolution shall be presented **March 19, 1994, the day set aside in her honor and designated Sallie Lowe Day in Alabama, March 19, 1994.**

Approved April 1, 1994

Time: 2:44 P.M.

Act No. 94-293

H.J.R. 237 – Rep. Clark (J)

HOUSE JOINT RESOLUTION

COMMENDING ANNE ADAMS FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama, having learned of the forthcoming retirement of Elizabeth Anne Adams as an analyst

with the Legislative Reference Service since 1974, most gratefully acknowledges her many contributions to the legislative process, and her exemplary service to the State of Alabama; and

WHEREAS, Anne Adams, the daughter of the late William Jackson Adams and Mrs. Irene Beaty Adams, was born and grew up in Barbour County, where her father served as Sheriff for 15½ years prior to his untimely death in 1967; her mother, "Miss Irene," also served as Sheriff, completing the remaining 3½ years of her husband's term in office by appointment of the late Governor Lurleen B. Wallace; and

WHEREAS, a graduate of Barbour County's Baker Hill High School, Anne Adams received a B.S. degree from Troy State University, and is a former teacher in the Tallassee and Dothan City School Systems; she also attended the Cumberland School of Law where she received the degree of Doctor of Jurisprudence in 1973; and

WHEREAS, over the course of her career as a legislative analyst, Anne Adams' wealth of knowledge, experience and expertise have earned for her the highest respect of her co-workers and peers, who have often sought and willingly received the benefit of her advice; and

WHEREAS, also during her tenure, and in addition to her primary responsibilities as an analyst, she has served as Law Librarian for the Reference Service; as secretary of the Legislative Research Librarians Staff Section of the National Conference of State Legislatures; and as editor of the Summary of General Laws and Proposed Constitutional Amendments, which is published by her office following legislative sessions; and

WHEREAS, her meticulous care in the drafting of legislation, accuracy of detail, and sound research, as well as her other professional contributions, have been of invaluable worth to the Legislative Reference Service, and will be greatly missed, as will her keen wit and the ability to maintain her good humor when faced with the mounting pressures of work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply indebted to Elizabeth Anne Adams of Texasville, Alabama, for extraordinary and dedicated service to the Legislative Reference Service and the State of Alabama; we further wish her well in all future endeavors, and direct that she receive a copy of this resolution that she may know how much we value her friendship, and of our highest personal regard for her many outstanding abilities.

Approved April 1, 1994

Time: 2:45 P.M.

Act No. 94-294

H.J.R. 240 – Rep. White

HOUSE JOINT RESOLUTION

ESTABLISHING THE CONTINUING JOINT LEGISLATIVE COMMITTEE TO AWARD THE LEGISLATIVE MEDAL OF HONOR FOR LAW ENFORCEMENT OFFICERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established a Continuing Joint Legislative Committee to award the Legislative Medal of Honor for Law Enforcement Officers, which shall be the state highest law enforcement award. The committee shall be composed of the following members: three members of the House of Representatives appointed by the Speaker of the House of Representatives, three members of the Senate appointed by the Presiding Officer of the Senate; and the Presiding Officer of the Senate and the Speaker of the House of Representatives shall be ex officio members.

BE IT FURTHER RESOLVED, That the committee shall meet at least annually, and at the times the chair of the committee deems appropriate. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the course of their duties as are other legislative committee members. A chair of the committee shall be elected by the membership at the first meeting of the commission. Members shall be appointed for four-year terms and may be eligible to succeed themselves. Any member who fails to attend three consecutive meetings or at least one half of all committee meetings held during the calendar year shall be deemed to have resigned. Clerical and administrative assistance to the committee shall be provided by the Clerk of the House of Representatives.

RESOLVED FURTHER, That the committee shall have the following responsibilities:

- (1) Accept recommendations from the Director of Public Safety and other law enforcement agencies or departments.
- (2) Develop the criteria and procedures for the Director of Public Safety and other law enforcement agencies or departments to recommend candidates for the medal of honor.
- (3) Accept recommendations from other sources for nominees to receive the medal of honor.
- (4) Design the medal of honor which shall contain at least 14 carats of yellow gold and shall be appropriate for daily wear on the uniform of the recipient of the medal.

(5) Provide for the payment of the medal design and distribution of the medal of honor by the Clerk of the House of Representatives from the legislative operating expenses.

(6) Present the medal to the recipient on an annual basis during the regular session of the Legislature at a joint session called for that purpose.

Approved April 1, 1994

Time: 2:46 P.M.

Act No. 94-295

H.J.R. 198 – Reps. Haynes, Johnson

HOUSE JOINT RESOLUTION

COMMENDING CAROLYN REYNOLDS ON HER INDUCTION INTO THE CHILDERSBURG CHAMBER OF COMMERCE HALL OF FAME.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes Carolyn Reynolds as the 10th inductee into the Childersburg Chamber of Commerce Hall of Fame; and

WHEREAS, Mrs. Reynolds, whose name will appear among those of other Hall of Fame inductees on display at Childersburg City Hall, has given generously of her time and energy in service to the Childersburg community, and is indeed deserving of this prestigious honor; and

WHEREAS, she serves on the board of directors of such civic and service organizations as the Department of Human Resources, the Childersburg Chamber of Commerce, United Way, American Heart Association, and Childersburg Museum, and as director of the Heritage Society, secretary of the Childersburg Citizens Advisory Group, and treasurer of Nellie Olson PDR Council in Talladega; and

WHEREAS, Mrs. Reynolds further serves as a member of Amvets Post No. 25 Auxiliary in Talladega, Elks College City Temple No. 823 and College City Ensemble, as well as Enon Baptist Church where she serves as president of Savior Choir I; and

WHEREAS, a graduate of Drewery Practice High School in Talladega, Mrs. Reynolds attended Tuskegee Institute and classes at the Birmingham Recreation Department, and has worked with the USO, Booker T. Washington Insurance Company, and Preferred Life Insurance Company; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to the Childersburg community, and on her induction into the Childersburg Chamber of Commerce Hall of Fame, we hereby most highly commend Carolyn Reynolds, for whom a copy of this resolution shall be provided.

Approved April 1, 1994

Time: 2:48 P.M.

Act No. 94-296

H.J.R. 200 – Rep. Hall (L)

HOUSE JOINT RESOLUTION

COMMENDING KALYN CHAPMAN OF MOBILE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, in recognition of outstanding achievement, the Alabama Legislature most highly commends Kalyn Chapman of Mobile, whose reign as Miss Alabama for 1993 is long preceded by numerous and notable accomplishments; and

WHEREAS, Miss Chapman, an ardent “Stay in School” advocate who served recently as Black History Convocation Speaker at Alabama A&M University, which had as its theme “Your Responsibility Towards Education,” is a 1988 graduate of Murphy High School, and currently is a junior psychology major at the University of South Alabama; and

WHEREAS, this outstanding young lady, with unlimited potential for achievement, has successfully competed, participated and/or served in such capacities as a Class Favorite, varsity cheerleader, Girls Service Club and the Student Government Association at Murphy High School; as Second Lady-in-Waiting in the 1988 Azalea Trail Maid Court; as the recipient of the 1986 Academic Excellence Award and Talent winner in Mobile County’s Junior Miss Program; and as Miss University of South Alabama and Miss Mobile, in 1991 and 1992, respectively; and

WHEREAS, Miss Chapman’s civic and community involvement, which is both extensive and varied, and her professional experiences include time spent as a dancer with Disney/MGM Studios in Orlando; the Dick Tracy Show; Universal Dance Association; Saenger Theater Performing Arts Program; Springhill Dance Studio; and UMS Wright Dance Academy; and

WHEREAS, Kalyn Chapman is indeed deserving of highest praise as one of our state’s most accomplished young citizens, and one

who continues to aspire to even higher goals, including the pursuit of a Ph.D. degree following her reign as Miss Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Kalyn Chapman of Mobile, Alabama, whom we hold in highest regard, and for whom a copy of this resolution shall be provided, with best wishes for every continuing success and happiness in life.

Approved April 1, 1994

Time: 2:49 P.M.

Act No. 94-297

H.J.R. 207 – Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM VINCENT WOODSMALL FOR OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama herein recognizes and publicly acknowledges the contributions and invaluable service rendered by William Vincent Woodsmall to the State of Alabama; and

WHEREAS, a renowned architect and educator who possesses extensive experience and expertise in historic architecture and project management, Mr. Woodsmall gave most generously of his time, talent and skills to the restoration process of Alabama's magnificent State Capitol; and

WHEREAS, Mr. Woodsmall worked long and tirelessly with the Capitol Restoration Team of the Alabama Historical Commission, and his counsel was of substantial value in ensuring that the Capitol, a National Historic Landmark, retained its proper historical character, in precise detail; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with grateful appreciation, we hereby commend William Vincent Woodsmall for outstanding service to the State of Alabama; we further recognize both the magnitude of his contributions to the restoration of our State Capitol, as well as the result of his work as an accomplished expert in the field of historic architecture, and direct that he receive a copy of this resolution of warmest personal regard.

Approved April 1, 1994

Time: 2:50 P.M.

Act No. 94-298

H.J.R. 208 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING THOMAS P. DOTZLER FOR OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama herein recognizes and publicly acknowledges the contributions and invaluable service rendered by Thomas P. Dotzler to the State of Alabama; and

WHEREAS, an accomplished musician and also a knowledgeable craftsman with extensive experience and expertise in the decorative art field, Mr. Dotzler gave most generously of his time, talent and skills to the restoration process of Alabama's magnificent State Capitol; and

WHEREAS, Mr. Dotzler worked long and tirelessly with the Capitol Restoration Team of the Alabama Historical Commission, and his counsel was of substantial value in ensuring that the Capitol, a National Historic Landmark, retained its proper historical character, in precise detail; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with grateful appreciation, we hereby commend Thomas P. Dotzler for outstanding service to the State of Alabama; we further recognize both the magnitude of his contributions to the restoration of our State Capitol, as well as the result of his labors as a master craftsman, and direct that he receive a copy of this resolution of warmest personal regard.

Approved April 1, 1994

Time: 2:51 P.M.

Act No. 94-299

H.J.R. 209 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING ASA G. DOTZLER FOR OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama herein recognizes and publicly acknowledges the contributions and invaluable service rendered by Asa G. Dotzler to the State of Alabama; and

WHEREAS, a renowned artist who possesses extensive experience and expertise in the art of decorative finishes, Mr. Dotzler gave most generously of his time, talent and skills to the restoration process of Alabama's magnificent State Capitol; and

WHEREAS, Mr. Dotzler worked long and tirelessly with the Capitol Restoration Team of the Alabama Historical Commission, and his counsel was of substantial value in ensuring that the Capitol, a National Historic Landmark, retained its proper historical character, in precise detail; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with grateful appreciation, we hereby commend Asa G. Dotzler for outstanding service to the State of Alabama; we further recognize both the magnitude of his contributions to the restoration of our State Capitol, as well as the result of his labors as a master craftsman, and direct that he receive a copy of this resolution of warmest personal regard.

Approved April 1, 1994

Time: 2:52 P.M.

Act No. 94-300

H.J.R. 210 – Rep. Cullins

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LILLIAN ADELA DUFFEE ADAIR OF DADEVILLE, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of Lillian Adela Duffee Adair of Dadeville, Alabama, on September 14, 1993, at the age of 73 years; and

WHEREAS, a native of Birmingham and a longtime resident of Dadeville, Mrs. Adair was a graduate of Tallapoosa County High School, and received her B.A. degree from the University of Alabama which later awarded her an honorary Ph.D. degree; and

WHEREAS, Mrs. Adair, who was a very prominent and much beloved member of the Dadeville community, was deeply committed in service to others, as is reflected in the many accomplishments of her lifetime; and

WHEREAS, during her years at the University, Mrs. Adair was on the staffs of The Crimson White and the Corolla and also

was a member of Kappa Delta which she served, as an alumna, on the KD House Corporation Board; and

WHEREAS, while residing in Dadeville, Mrs. Adair's many affiliations included membership and/or office in the American Legion Auxiliary, Philomathic Club, and the DAR at local, district and national levels; she also served on the Dadeville Public Library Board, and as a member of the Board of Trustees of the Kate Duncan Smith DAR School; and

WHEREAS, further, Mrs. Adair was a founder of the Horseshoe Bend Regional Library, and a Deacon of the First Presbyterian Church of Dadeville, among many other positions of leadership and service, and was the recipient of such distinctions as Woman of the Year and a citation for her work with the USAF, which was awarded upon her husband's retirement from the Air Force; and

WHEREAS, in the lamentable death of Mrs. Lillian Adair, the Dadeville community has suffered an inconsolable loss which has left her family and many, many friends sorely bereft in grief; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks unto God for the life and service of Mrs. Lillian Adela Duffee Adair of Dadeville, Alabama, and extend our most heartfelt sympathy to her husband, Charles R. Adair; brother, Cecil G. Duffee; her nieces and nephews; and other family members, whose sorrow we share, and for whom a copy of this resolution shall be provided.

Approved April 1, 1994

Time: 2:53 P.M.

Act No. 94-301

H.J.R. 211 – Reps. Crow, Willis, Campbell

HOUSE JOINT RESOLUTION

COMMENDING COACH ROBERT HERRING OF OXFORD HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with sincere admiration and esteem that the Legislature of Alabama notes the many outstanding accomplishments of Robert Herring, as head coach of the Oxford High School football team since 1985; and

WHEREAS, Coach Herring, whose outstanding record at Oxford High School stood at 76-27 following the 1993 season, has directed the Yellow Jackets to the State Playoffs for nine consecutive years; and

WHEREAS, his 1993 State Class 5A Football Champions also handed Coach Herring his third State Title in six years (1988, 1989 and 1993), while posting an unblemished 14-0 record, including the 35-12 victory over Greenville in the title game; and

WHEREAS, under Coach Herring's leadership since he took over the OHS program, the Varsity Yellow Jackets have become a powerhouse in Class 5A, and the teams have enjoyed the full support of the student body, the Oxford High School Band, the Varsity Cheerleaders, the Oxford community and countless other fans; and

WHEREAS, not only has Coach Herring raised the Oxford High School football program to new heights but, throughout his tenure, has served as an inestimable role model for the many young athletes under his tutelage by stressing the importance of class and character, both on and off the field, and throughout life; and by emphasizing the team concept and the necessity of sacrifice to succeed, he has greatly impacted upon the many student athletes at Oxford High School over the past nine years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, his many contributions to the Oxford High School football program and the fine young athletes it has produced, we hereby most highly commend Coach Robert Herring, to whom a copy of this resolution of warmest personal regard shall be presented.

Approved April 1, 1994

Time: 2:54 P.M.

Act No. 94-302

H.J.R. 214 – Rep. Freeman

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA IN HUNTSVILLE AND ALABAMA A&M UNIVERSITY ON THE RECEIPT OF A FEDERAL GRANT FOR UNDERGRADUATE ENGINEERING EDUCATION.

WHEREAS, the University of Alabama in Huntsville (UAH) and Alabama A&M University have received an ARPA TRP award for undergraduate engineering education; and

WHEREAS, the objective of the program is to add more hands-on laboratory experiences for UAH and A&M undergraduate engineering students; and

WHEREAS, the AID Training is providing its Alabama Center for Advanced Technology Transfer (ACATT) to support the program; and

WHEREAS, the Alabama Society of Professional Engineers, the Alabama Board of Registration for Engineers and Land Surveyors, and the Alabama Department of Economic and Community Affairs are providing program reviewers; and

WHEREAS, the following manufacturing firms are providing resources and expertise: Boeing, Chrysler Electronics, Hughes Aircraft Company, Magne Tek, and Motorola; and

WHEREAS, the NASA Marshall Space Flight Center (MSFC) is administering the grant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate the University of Alabama in Huntsville and Alabama A&M University for their outstanding accomplishment, commend the industrial partners for their participation, and wish the program success.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the University of Alabama in Huntsville, Alabama A&M University, and to each member of the industrial support team.

Approved April 1, 1994

Time: 2:55 P.M.

Act No. 94-303

H.J.R. 215 – Rep. Morrow

HOUSE JOINT RESOLUTION

RECOGNIZING BUDDY BRADFORD OF RUSSELLVILLE, ALABAMA.

WHEREAS, Bradford's Drugstore, a familiar landmark at the corner of Franklin Street and Jackson Avenue in downtown Russellville, has regrettably closed its doors for the last time in 63 years; and

WHEREAS, Buddy Bradford, a highly regarded member of the Russellville community who has reluctantly closed the store for health reasons, has owned and operated the business since taking it over from his father in 1943; and

WHEREAS, over the years since its opening in 1930, Bradford's Drug has been a popular "gathering place" for the entire community, both young and old alike; it also was a place the townspeople had come to rely on for everything from prescriptions to sodas, food, good service, and a friendly smile; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of many years of faithful service to the Russellville community, we hereby most highly commend Buddy Bradford, for whom a copy of this resolution shall be provided with sincere best wishes for a future filled with continued happiness and success.

Approved April 1, 1994

Time: 2:56 P.M.

Act No. 94-304

S. 401 – Senator Horn

AN ACT

To make an appropriation from the state general fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1995.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Parkinson Association of Alabama from the state general fund the sum of fifty thousand dollars (\$50,000).

Section 2. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:15 A.M.

Act No. 94-305

S. 292 – Senator Foshee

AN ACT

To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supplement to certain volumes of

the Code and in the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code; and to make corrections in certain volumes of the cumulative supplement.

Be It Enacted by the Legislature of Alabama:

Section 1. Those general and permanent laws of the state enacted during the 1992 Second Special and 1993 Regular Sessions of the Legislature, and Act 90-650, S. 62, of the 1990 Regular Session of the Legislature, as contained in the 1993 Cumulative Supplement to Volumes 3 and 4, 7 through 20, inclusive, 22, and 22A, and the 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code of Alabama 1975, as edited and published by The Michie Company, as the Alabama Code Publisher, which volumes of the 1993 Cumulative Supplement and the 1993 Replacement Volumes are identified and authenticated by the Great Seal of the State of Alabama placed upon the front and back of each of the volumes of the cumulative supplement and upon the first inside page and the last inside page of the replacement volumes, are adopted and incorporated into the Code of Alabama 1975. Provided, however, the following corrections are made in certain volumes of the 1993 Cumulative Supplement:

1. Section 2-28-1, Volume 3, page 180: In subdivision (13) entitled "Certification", on the second line, delete the word "or" and insert in lieu thereof "and/or".

2. Section 2-28-1, Volume 3, page 180: In subdivision (14) entitled "Certification Permit", on the third line, delete the word "or" located between "categories" and "subcategories" and insert in lieu thereof "and/or".

3. Section 2-28-6.1, Volume 3, page 185: On the second line, delete the word "or" and insert in lieu thereof "and/or".

4. Section 13A-6-92, Volume 12, page 182: On the first line of subsection (b), delete the word "Creditable" and insert in lieu thereof "Credible".

5. Section 32-9-20, Volume 17A, page 69: In paragraph c. of subdivision (4), on the line beginning with the words "axles to the nearest 500 pounds", delete the language "L distance" and insert in lieu thereof "L = distance".

6. Section 32-9-20, Volume 17A, page 69: In paragraph c. of subdivision (4), on the line beginning with the words "any group of two or more", delete the language "N number" and insert in lieu thereof "N = number".

7. Section 32-9-20, Volume 17A, page 70: In paragraph h. of subdivision (4), on the third line, after the words "operated upon the", insert the word "county".

8. Section 38-9A-8, Volume 20, page 21: In subsection (a), on the first line, delete the word "complimentary" and insert in lieu thereof "complementary".

Section 2. It is declared that The Michie Company, as the Alabama Code Publisher, has certified that it has discharged its duties and responsibilities to edit and publish 1993 Replacement Volumes 5, 6, 6A, and 21 of the Code of Alabama 1975 by combining the material in the previous bound volumes with the material contained in the cumulative supplements without making substantive changes, but making nonsubstantive changes and corrections as may have resulted from changes in reference numbers, changes of names and titles of governmental departments, agencies, and officers, typographical errors, grammatical changes, and misspellings.

Section 3. The adoption of this act shall not repeal, supersede, amend, or in any other way affect any statute enacted into law during the 1993 First Special Session or any 1994 session of the Legislature.

Section 4. Upon passage and approval of this act, the duly authenticated volumes of the 1993 Cumulative Supplement and the duly authenticated 1993 replacement volumes shall be transmitted to the Secretary of State, who shall file the volumes of the supplement and the replacement volumes in that office. The volumes of the supplement and the replacement volumes shall not be removed from the office of the Secretary of State, but the Secretary of State, upon request, under proper certificate and seal of that office, shall certify any part or parts thereof upon payment of the fee specified by law for similar services.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:16 A.M.

Act No. 94-306

H. 603 – Rep. Harper

AN ACT

Relating to Mobile County; amending Section 1 of Act 91-500, H. 1002, 1991 Regular Session, providing for additional compensation to members of the boards of directors of certain public utility authorities to provide for an increase in compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act 91-500, H. 1002, 1991 Regular Session (Acts 1991, p. 890), is amended to read as follows:

"Section 1. The members of the board of directors of any authority created or operated in Mobile County pursuant to Sections 11-88-1 to 11-88-21, inclusive, Code of Alabama 1975, which operates a public water system, a public sewer system, or a fire protection facility that serves 6,500 or more customers shall, in addition to any other compensation and if authorized by resolution of the board of directors of the authority, be compensated for performance of their duties as follows:

"(a) The chairperson shall be compensated in an additional amount not to exceed six hundred dollars (\$600) per month.

"(b) Each member shall be compensated in an additional amount not to exceed five hundred dollars (\$500) per month."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:28 A.M.

Act No. 94-307 H.J.R. 218 – Reps. Zoghby, Gullatt, Rockhold,
Kennedy, McDowell, Hall (L)

HOUSE JOINT RESOLUTION

PROMOTING THE APPOINTMENT OF WOMEN TO STATE
AND PUBLIC BOARDS, COMMISSIONS, AND AUTHORITIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That it is the intent
of the Legislature to recognize the importance of balance in the
appointment of women persons to membership on statutorily created
decision-making and regulatory boards, commissions, councils,
authorities, and committees, and to promote that balance.

BE IT RESOLVED FURTHER, That in appointing members to
any statutorily created decision-making or regulatory board, commission,
council, authority, or committee of the state, the appointing
authority should select, from among the most qualified persons,
those persons whose appointments would ensure that the membership
of each board, commission, council, authority, or committee include
the women of Alabama. If there are multiple appointing
authorities for the board, commission, council, authority, or committee,
they shall consult with each other to achieve the purposes of this
resolution.

RESOLVED FURTHER, That The Alabama Women's Commission shall submit a report to the Secretary of State annually by December 1 which discloses the number of appointments of women made during the preceding year expressed both in numerical terms and as a percentage of the total membership of the board, commission, council, authority, or committee. A copy of the report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President or President Pro Tempore of the Senate.

FURTHER RESOLVED, That this resolution applies to appointments and reappointments made after its effective date. It does not prohibit a member of a decision-making or regulatory board, commission, council, authority, or committee from completing a term being served when this resolution takes effect.

Approved April 5, 1994

Time: 11:10 A.M.

Act No. 94-308

H.J.R. 317 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, March 24, 1994, they adjourn to meet again on Tuesday, April 5, 1994.

Approved April 5, 1994

Time: 11:27 A.M.

Act No. 94-309

S.J.R. 101 – Senator Figures

SENATE JOINT RESOLUTION

COMMENDING THE LEFLORE GIRLS' BASKETBALL TEAM.

WHEREAS, the Legislature of Alabama notes the perfect season of the LeFlore High School Girls' Basketball team, compiling a remarkable record of 29 wins and no defeats; and

WHEREAS, Coaches Janice Bailey's and Alfred Perkins' ball club culminated their unblemished season with a victory in the championship game of the Class 6A State High School Girls' Basketball Tournament in Birmingham; and

WHEREAS, the Lady Rattlers deploying a venomous full-court trap defense and an opportunistic offense struck their final opponent, Austin High School, by the dominating score of 72 to 49 to capture the state crown; and

WHEREAS, the 1994 State 6A Girls' Basketball State Champions are: LaKeesha Cannon, Alexis Collins, Stacie Davis, Trelean Dixon, Mashunda Evans, Chiquita Golston, Tamika Hardy, Natasha King, Dontrae Leatherwood, Davida Lindsay, Sherri Massey, Tamiko Perine, Tanika Roberson, Rishikka White, Charmaine Yates, and Tahira Phillips; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and robustly recognize the exemplary efforts and the awesome accomplishments of the LeFlore High School Lady Rattlers, the number one girls 6A basketball team in Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Principal Fred A. Marshall for appropriate display, so that the students, faculty, and staff of LeFlore High School may know of our admiration and congratulations.

Approved April 5, 1994

Time: 11:17 A.M.

Act No. 94-310

S.J.R. 103 – Senator Little

SENATE JOINT RESOLUTION

EXTENDING LEGISLATIVE SUPPORT TO MR. DAVID HOUSEL, AUBURN UNIVERSITY ATHLETIC DIRECTOR.

WHEREAS, the Legislature of Alabama notes with unanimous approval the designation of Mr. David Housel as Athletic Director for Auburn University, a public position vital to the academic, athletic, and financial reputation and stability of a major state institution of higher education; and

WHEREAS, all members of this body, irrespective of their allegiance, note that David Housel is a unique individual; his love of and loyalty to Auburn University is only surpassed by his compassion for his fellow man, effectuated by a personal philosophy which places in proper balance sports and life; and

WHEREAS, David Housel is a genuine proponent of the student-athlete, and under his guidance these young men and women will be given a true opportunity to achieve their full potential as a student and an athlete, and more importantly as a person; and

WHEREAS, the State of Alabama and Auburn University are fortunate to have a public servant of Mr. Housel's abilities; under his determined leadership we are confident the proud tradition of Auburn athletics will be both preserved and enhanced; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our sincere congratulations to Mr. David Housel and Auburn University on this appropriate appointment and pledge our unconditional support to the efforts of Mr. Housel on behalf of Auburn University.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the Board of Trustees of Auburn University, President William V. Muse, and Mr. Housel, so that they may be apprised of this unqualified tender of approval and affirmation.

Approved April 5, 1994

Time: 11:18 A.M.

Act No. 94-311

S.J.R. 104 – Senator Ellis

SENATE JOINT RESOLUTION

EXTENDING THE TIME THAT THE JOINT LEGISLATIVE COMMITTEE ON SOUTHERN LEADERSHIP GOALS SHALL REPORT ITS FINDINGS AND EXTENDING THE LIFE OF THE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Committee on Southern Leadership Goals, established pursuant to Act No. 94-55, SJR 12, 1994 Regular Session, shall report its findings, conclusions, reports, and recommendations on September 30, 1994, at which time the committee shall stand dissolved and discharged of any further duties and liabilities.

Approved April 5, 1994

Time: 11:19 A.M.

Act No. 94-312

H. 714 – Reps. Carns, Sanderson

AN ACT

Relating to the City of Mountain Brook, in Jefferson County; approving an increase of the present ten and six-tenths mill municipal ad valorem tax levied in the City of Mountain Brook pursuant to Amendment No. 336 to the Constitution of Alabama of 1901 by thirteen mills to twenty-three and six-tenths mills, all in accordance with Amendment No. 336 to said Alabama Constitution; such increase of thirteen mills in said tax to be levied and collected by the governing body of the City of Mountain Brook for each year without limit as to duration, beginning with the levy in the tax year ending September 30, 1994 (the tax for which year will be due and payable October 1, 1994) or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, for general municipal purposes; provided that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the City of Mountain Brook at a special election called and held in accordance with the law governing special elections as provided in said Amendment No. 336.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any taxes now authorized or that may hereafter be authorized by the Constitution and laws of the State of Alabama, pursuant to Amendment No. 336 to the Constitution of Alabama of 1901, as amended, an increase of the municipal ad valorem tax presently being levied pursuant to Amendment No. 336 to the Constitution of Alabama of 1901 in the City of Mountain Brook in Jefferson County from the rate of one dollar and six cents on each one hundred dollars worth of taxable property in the City of Mountain Brook to the rate of two dollars and thirty-six cents on each one hundred dollars worth of taxable property in the City of Mountain Brook (an increase of one dollar and thirty cents on each one hundred dollars worth of taxable property, or thirteen mills) is approved; such increase of thirteen mills to be levied and collected by the governing ~~body of City of Mountain Brook for each year without limit as to duration,~~ beginning with the levy in the tax year ending September 30, 1994 (the tax for which year will be due and payable October 1, 1994) or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, for general municipal purposes; provided, that the aforesaid increased rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the City of Mountain Brook and voted for by a majority of those voting at a special election called and held in accordance with the law governing special elections as provided in said Amendment No. 336.

Section 2. In implementation of the aforesaid Amendment No. 336 with respect to the proposed municipal ad valorem tax increase in the City of Mountain Brook: (a) all action heretofore taken by the Mountain Brook City Council in conducting the public hearing and proposing the tax increase of thirteen mills (subject to

approval to the Legislature of Alabama and the City of Mountain Brook electorate) for a period of time beginning with the October 1, 1994 collection and without limit as to duration, is hereby ratified, validated and confirmed and (b) if any proposal to levy said thirteen mill increase in said municipal ad valorem tax at a rate not exceeding the thirteen mill increase specified above for the period specified above or any shorter period included therein, is defeated at any special election therefor, subsequent special elections may be held as provided in said Amendment No. 336 on said tax increase at the same or any lesser rate and for the same or any lesser period without an additional public hearing or Mountain Brook City Council approval or further approval by the Legislature of Alabama.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:29 A.M.

Act No. 94-313

H. 807 – Rep. Letson

AN ACT

To repeal Act No. 84-421, H. 496, 1984 Regular Session, (Acts 1984, p. 1001), relating to Lawrence County and providing for a special recording fee for documents filed in the office of the judge of probate; and to provide retroactive effect.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 84-421, H. 496, 1984 Regular Session, (Acts 1984, p. 1001), is expressly repealed.

Section 2. This act is retroactive to July 19, 1991.

Approved April 5, 1994

Time: 11:30 A.M.

Act No. 94-314

H.J.R. 203 – Reps. Johnson, Beasley

HOUSE JOINT RESOLUTION

CREATING A JOINT CONTINUING LEGISLATIVE STUDY
COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS

AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint continuing legislative committee to evaluate unmet needs of caregivers and victims of Alzheimer's disease and related disorders. The objectives of the committee shall include, but not be limited to, all of the following:

(1) An examination of the nature and extent of Alzheimer's disease and related disorders in Alabama.

(2) Identifying available resources and gaps in needed services for persons suffering from the disease and for their families.

(3) Development of policy recommendations to address the problem of Alzheimer's disease in Alabama covering all of the following areas:

(a) Financial assistance and social supports to patients and families.

(b) Improved patient care and services.

(c) Increased public awareness.

(d) Research.

(e) Improved coordination of state activities.

(f) Education.

(g) Legislative initiatives.

The committee shall compile a report containing findings, proposals, and recommendations regarding the problems specified herein.

The committee shall be composed of the Commissioner of the Department of Mental Health and Mental Retardation or the designee of the commissioner; the Director of the Bureau of Geriatric Psychiatry, Department of Mental Health; the Director of the Department of Finance or the designee of the director; the Commissioner of the Medicaid Agency or the designee of the commissioner; the Commissioner of the Department of Human Resources or the designee of the commissioner; the Commissioner of the Commission on Aging or the designee of the commissioner; the State Health Officer or the designee of the officer; three members of the House of Representatives appointed by the Speaker of the House of Representatives; three members of the Senate appointed by Presiding Officer of the Senate; and eight family caregivers or community providers, or both, appointed by the chair of the committee.

The chair of the committee shall be the Director of the Bureau of Geriatric Psychiatry, Department of Mental Health. The committee shall provide for its own rules of procedure to conduct its business and shall meet at the call of the chair.

The committee may also secure outside resources, consultants, or council, as needed, to assist in the performance of its duties.

The state agencies and departments represented on the committee shall provide necessary clerical and technical assistants who shall serve without additional compensation. The committee shall report its findings and recommendations to the Legislature.

In order to continue the work of the Joint Continuing Legislative Study Committee on Alzheimer's Disease and develop a state plan to address the unmet needs of the 52,000 Alabamians with dementia, each agency shall respond to the Joint Continuing Legislative Study Committee by September 30, 1994, and shall include the following information:

(1) The Commission on Aging and the Department of Mental Health and Mental Retardation shall develop a plan for a statewide sitter registry with appropriate training of personnel.

(2) The State Health Planning Agency shall examine the need for all types of trained health professionals and facilities to care for dementia victims.

(3) The Alabama Commission on Higher Education should determine the most appropriate way to train adequate numbers of health professionals to care for dementia victims.

(4) The Alabama Department of Public Health, the State Health Planning Agency, and the State Medicaid Agency shall assess the need for dementia special care nursing home units.

(5) The Alabama Department of Public Health shall assess the need for adequately staffed, licensed, and assisted living facilities that can care for dementia victims.

Approved April 5, 1994

Time: 11:31 A.M.

HOUSE JOINT RESOLUTION

EXPRESSING SUPPORT OF S. 1825 "TAX FAIRNESS FOR MAIN STREET BUSINESS ACT OF 1994."

WHEREAS, sales by out-of-state direct marketing firms are subject to Alabama sales tax, but the State of Alabama and its cities and counties are unable to compel these out-of-state firms to collect and remit such taxes; and

WHEREAS, the State of Alabama and its cities and counties provide a number of resources to out-of-state firms, including government services relating to mail delivery, communications, highways and streets, bank and court systems, and waste disposal of catalogs; and

WHEREAS, Alabama businesses, which are compelled to collect and remit state sales tax, are subject to unfair competition when their out-of-state competitors cannot be compelled to collect and remit state sales tax on their sales to Alabama residents; and

WHEREAS, the inability of the State of Alabama and its cities and counties to require out-of-state firms to collect and remit state sales tax deprives the citizens of the State of Alabama needed revenue, estimated by the Advisory Commission on Intergovernmental Relations at approximately \$50 million for 1992; and

WHEREAS, on Thursday, February 3, 1994, United States Senator Dale Bumpers introduced to the 103d Congress, 2d Session, legislation titled the "Tax Fairness for Main Street Business Act of 1994" which permits states to require out-of-state firms to collect and remit state and local sales tax; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express the Legislature's support: of S. 1825, the "Tax Fairness for Main Street Business Act of 1994," and urge Alabama's Congressional Delegation to co-sponsor this bill and take further appropriate action to urge passage of S. 1825.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded forthwith to each member of Alabama's Congressional Delegation in Washington, D.C.

Approved April 5, 1994

Time: 11:32 A.M.

Act No. 94-316

H. 197 – Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of Talladega College for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$451,395 from the Alabama Special Educational Trust Fund to Talladega College.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1994-95 an operations plan for fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1994.

Approved April 5, 1994

Time: 11:33 A.M.

Act No. 94-317

H. 198 – Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$4,290,000 from the Alabama Special Educational Trust Fund to Tuskegee University.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1994-95 an operations plan for fiscal year

1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1994.

Approved April 5, 1994

Time: 11:34 A.M.

Act No. 94-318

H. 199 – Rep Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, \$343,804 out of the funds in the Alabama Special Educational Trust Fund, to Camp ASCCA in Jackson Gap, Alabama, to be used for the support and maintenance of said facility.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:35 A.M.

Act No. 94-319

H. 547 – Rep. Harper

AN ACT

To make a supplemental appropriation from the State Health Planning Agency Certificate of Need Fund in the State Treasury to the State Health Planning Agency for the fiscal year ending September 30, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the State Health Planning Certificate of Need Fund in the State Treasury to the

State Health Planning Agency for the fiscal year ending September 30, 1994 the sum of \$250,000.

Section 2. The appropriation made in this act shall be expended for computer enhancements, expansion of statistical data base, and addition of personnel to staff.

Section 3. The appropriation made in this act is in addition to any and all other funds heretofore or hereafter appropriated to the State Health Planning Agency.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:36 A.M.

Act No. 94-320

S. 8 – Senator Ghee

AN ACT

Relating to absentee voting; amending Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, to provide further for the administration of absentee voting, for unlawful offenses relating thereto, for investigation of and penalties for the offenses, and for a delayed effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 17-10-3, 17-10-4, 17-10-5, 17-10-7, 17-10-12, 17-10-17, 17-12-1, 17-12-2, 17-12-3, 17-12-7, and 17-12-8, Code of Alabama 1975, are amended to read as follows:

“§17-10-3.

“(a) Any qualified elector of this state and any person who, but for having moved from the state within the 30 days immediately preceding the election, is a qualified elector of this state who will be unable to vote at his or her regular polling place because of his or her absence from the county of his or her residence on the day of any primary, general, special, or municipal election, or who because of any physical illness or infirmity which prevents his or her attendance at the polls, whether he or she is within or without the county on the day of the election, or who works on a shift which has at least ten hours which coincide with the hours the polls are open at his or her regular polling place, may vote an absentee ballot, provided he or she makes application in writing

therefor not less than five days prior to the election in which he or she desires to vote as authorized in this chapter.

"(b) An applicant for an absentee ballot who is a member of the armed forces of the United States, including the Alabama national guard, the United States naval reserves, the United States air force reserves and the United States military reserves on active duty training or an applicant who is the spouse of any member of the armed forces may make application for an absentee ballot by filling out the federal postcard application form, authorized and provided for under the provisions of "The Federal Voting Assistance Act of 1955," Public Law 296, Chapter 656, H. R. 4048, approved August 9, 1955, 84th Congress 1st Session."

"§17-10-4.

"The application shall be filed with the person designated to serve as the absentee election manager. The application shall be in a form prescribed and designed by the Secretary of State and shall be used throughout the state. Notwithstanding the foregoing, handwritten applications can also be accepted at any time prior to the five day deadline date to receive absentee ballot applications as provided in Section 17-10-3. The application shall contain sufficient information to identify the applicant and shall include the applicant's name, residence address, or such other information necessary to verify that the applicant is a registered voter. Any applicant may receive assistance in filling out the application as he or she desires, but each application shall be manually signed by the applicant and, if he or she signs by mark, the name of the witness to his or her signature shall be signed thereon. The application may be handed by the applicant to the absentee election manager or forwarded to him or her by United States mail. An application for an emergency absentee ballot pursuant to Section 17-10-12 may be forwarded to the absentee election manager by the applicant or his or her designee. Application forms which are printed and made available to any applicant by the absentee election manager shall have printed thereon all penalties provided for any violation of this chapter."

"§17-10-5.

"Upon receipt of the application for an absentee ballot, if the applicant's name appears on the list of qualified voters in the election to be held or, if the voter makes an affidavit for a challenged vote, the absentee election manager shall furnish the absentee ballot to the applicant by (1) forwarding it by United States mail to the applicant's or voter's residence address or the address where the voter regularly receives mail or (2) by handing the absentee ballot to the voter or, in the case of emergency voting, his or her designee in person. If the absentee election manager has reasonable cause to

believe that the applicant has given a fraudulent address on the application for the absentee ballot, the election manager shall turn over the ballot application to the District Attorney for any action which may be necessary under this act or other acts. The absentee election manager further may require additional proof of a voter's eligibility to vote absentee when there is evidence of continuous absentee voting. The absentee election manager shall mail any absentee ballot requested to be mailed no later than the next business day after an application has been received unless the absentee ballots have not been delivered to the absentee election manager. If the absentee ballots have not been so delivered, the absentee election manager shall hold all requests until the ballots are delivered and shall then respond by placing ballots in the mail no later than the next business day.

"The official list of qualified voters shall be furnished to the absentee election manager by the judge of probate or other person preparing the list at least 45 days before the election. Any supplemental list of qualified electors shall also be provided to the absentee election manager as soon as the list becomes available. The absentee election manager shall underscore on the list the name of the voter and shall write immediately beside his or her name the word 'absentee.' The absentee election manager shall enroll the name, residence, and polling place of the applicant, and the date the application was received on a list of absentee voters. Each day the absentee election manager shall enter on the list the names, addresses, and polling places of each voter who has that day applied for an absentee ballot and shall post a copy of the list of applications received each day on the regular bulletin board or other public place in the county courthouse. The list shall be maintained in the office of the clerk or register for 60 days after the election, at which time it shall be filed with the judge of probate. Before the polls open at any election, the absentee election manager shall effectuate the delivery to the election officers of each polling place a list showing the name and address of every person whose name appears on the official list of qualified electors for the polling place who applied for an absentee ballot in the election. The name of the person who applied for an absentee ballot shall be stricken from the list of qualified electors kept at the polling place, and the person shall not vote again. Separate applications for absentee ballots are required for elections which are more than 30 days apart."

"§17-10-7.

"Each absentee ballot shall be accompanied by an envelope upon which shall be printed an affidavit. This affidavit which shall be used in general, special or municipal elections shall be substantially as follows:

"State of Alabama

"County of _____

"I, the undersigned, do swear (or affirm) that:

"(1) I am a resident of _____ county
in the state of Alabama.

"(2) My place of residence in Alabama is:

(street)
_____, Alabama
(city or town) (zip code)

"(3) My voting precinct (or place where I vote) is:

"(4) My date of birth

is: _____
"month day year

"(5) I am entitled to vote an absentee ballot because:

"Check only one:

"_____ I have moved from Alabama less than thirty days prior to the election.

"_____ I will be out of the county or the state on election day.

"_____ I am physically incapacitated and will not be able to vote in person on election day.

"_____ I work a required workplace shift that conflicts with polling hours.

"I further swear (or affirm) that I have not voted nor will I vote in person in the election to which this ballot pertains.

"I have marked the enclosed absentee ballot voluntarily and that I have read or had read to me and understand the instructions accompanying this ballot and that I have carefully complied with such instructions.

"Moreover, I further swear (or affirm) that all of the information given above is true and correct to the best of my knowledge and that I understand that by knowingly giving false information so as to vote illegally by absentee ballot that I shall be guilty of a misdemeanor which is punishable by a fine not to exceed \$1,000.00

and/or confinement in the county jail for not more than six months.

(Signature or mark of voter.)

(Printed name of voter.)

“Note: Your signature must be witnessed by either: A notary public or other officer authorized to acknowledge oaths or two witnesses 18 years of age or older.

“Sworn to and subscribed before me this _____ day of _____, 19____. I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

(Signature of official)
(Title of official)

(Address of official)

OR

“1st Witness

Signature

Print name

Address

City

Zip Code

“2nd Witness

Signature

Print name

Address

City

Zip Code”

“§17-10-12.

“(a) Not less than 40 days prior to the holding of any election, except a municipal election, to which this chapter pertains, or in

the case of a run-off primary election, not more than seven days after the first primary election, the officer charged with the printing and distribution of the official ballots and election supplies shall deliver to the absentee election manager of each county in which the election is held or to the person designated to serve in his or her place a sufficient number of absentee ballots, envelopes, and other necessary supplies. Not more than seven days after the last day to qualify as a candidate in a municipal election, or in the case of a run-off municipal election, not more than seven days after the first election, or in the case of a municipal election held for a purpose other than the election of municipal officers, not more than seven days after the giving of notice of the election, the officer charged with the printing and distribution of the official ballots and election supplies shall deliver to the absentee election manager of the municipality in which the election is held, or to the person designated to serve in his or her place, a sufficient number of absentee ballots, envelopes, and other necessary supplies. If the absentee election manager is a candidate with opposition in the election, he or she shall immediately, upon receipt of the ballots, envelopes, and supplies, deliver them to the person authorized to act in his or her place, as provided in Section 17-10-13.

“(b) Any registered elector who requires emergency treatment of a licensed physician within five days of an election may apply for an emergency absentee ballot for the election and may vote by returning the absentee ballot no later than 5:00 p.m. on the day before the election is held. The attendant physician shall describe and certify the circumstances as constituting an emergency on a special form designed by the Secretary of State and provided by his or her office to local absentee election managers. The special form shall be attached to the application

“(c) Any registered elector whose name appears on the poll list of qualified voters may vote by an emergency absentee ballot if he or she is required by his or her employer under unforeseen circumstances to be out of the county on an emergency business trip on election day. Under such circumstances, the applicant shall apply for an emergency absentee ballot at the office of the absentee election manager no later than the close of the business day one day prior to the election. The applicant shall complete and file an application form designed by the Secretary of State for emergency absentee voters. The form shall contain an affidavit which the applicant shall sign or swear acknowledging that he or she was not aware of the out of county business requirement prior to five days before the election. An applicant who meets the requirements of this subsection may vote by an emergency absentee ballot. After voting the ballot, the voter shall hand the ballot to the absentee election manager.”

“§17-10-17.

“(a) Any person who willfully changes an absentee voter’s ballot to the extent that it does not reflect the voter’s true ballot, any person who willfully votes more than once by absentee in the same election, any person who willfully votes for another voter or falsifies absentee ballot applications or verification documents so as to vote absentee, or any person who solicits, encourages, urges, or otherwise promotes illegal absentee voting, upon conviction, shall be punished by imprisonment in the penitentiary for not less than one nor more than two years, or by a fine of not less than \$500.00 nor more than \$2,000.00, or by being both fined and imprisoned. Any person who willfully aids any person unlawfully to vote an absentee ballot, any person who knowingly and unlawfully votes an absentee ballot, and any voter who votes both an absentee and a regular ballot at any election shall be similarly punished.

“(b) Upon request by the local district attorney or the Secretary of State, the Attorney General shall provide investigating assistance in instances of absentee ballot or voting violations.

“(c) Nothing in this section shall be construed to impede or inhibit organized legal efforts to encourage voter participation in the election process or to discourage a candidate from encouraging electors to lawfully vote by absentee ballot.”

“§17-12-1.

“(a) Any qualified elector of the precinct in which any person proposes to vote may challenge the person so offering to vote whom he or she may know or suspect is not entitled or duly qualified as an elector to vote at the precinct where he or she offers to vote.

“(b) The challenge shall be communicated to the inspectors before the person is permitted to vote by the sheriff or some other person in attendance and in charge of admission to the polling place where his or her right to vote shall be determined as provided by sections 17-12-3 and 17-12-4.

“(c) The challenge to an absentee ballot shall be communicated to an absentee election officer before the absentee ballot is tabulated and certified by the absentee election officers.”

“§17-12-2.

“(a) The inspectors shall select one of their number, on opening the polls, to act as challenger, and the challenger shall ascertain if each person presenting himself or herself to vote has registered. The finding of the challenger shall be from an examination of the official list of the voters furnished by the judge of probate. If the name of the person does not appear on the list, the challenger shall challenge the voter.

"(b) The absentee election officers shall select jointly one official who shall ascertain if each challenged absentee ballot is a legitimate ballot as required by law."

"§17-12-3.

"When any person offering to vote at the polls is challenged by an inspector or by any qualified elector, before the person shall be allowed to vote, he or she shall take and subscribe an oath which one of the inspectors shall tender, read, and administer to him or her, and which shall be in the following form:

"State of Alabama, County of _____ I do solemnly swear (or affirm) that I am a duly qualified elector under the constitution and laws of the State of Alabama. 2. That I am 18 years of age or upwards. 3. That I have not been convicted of any crime which disfranchises me. 4. That I have been duly registered. 5. I know of no reason why I am not entitled to vote. 6. I am generally known by the name under which I now desire to vote, which is _____. 7. I have not voted and will not vote in any other precinct (or if the precinct has been divided into districts, in any other voting district) in this election. 8. My occupation is _____, the name of my employer is _____. 9. My residence is _____ (if in a city or town give street number). 10. That _____ and _____ have personal knowledge of my residence in the State of Alabama. 11. This affidavit has been read to me. So help me God _____ Signature. Subscribed and sworn to before me this _____ day _____, 19____"

"§17-12-7.

"Any inspector of election or absentee election officer who wilfully excludes any ballot duly cast, knowing that the person offering the ballot is lawfully entitled to vote at the election, or who wilfully receives a ballot from any person who has been duly challenged in relation to his or her right to vote at the election, without exacting from the person an oath or other proof of qualification as required by law, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars (\$100), and may also be sentenced to hard labor for the county for not more than six months."

"§17-12-8.

"Any inspector of election or absentee election officer who, without challenging a person, permits the person to vote, knowing that he or she is not a qualified elector, shall be fined not less than one hundred dollars (\$100)."

Section 2. This act shall become effective on January 1, 1995.

Approved April 5, 1994

Time: 11:20 A.M.

Act No. 94-321

S. 9 – Senator J. Smith

AN ACT

To prohibit any person from willfully or knowingly preventing, obstructing, impeding, disturbing, or interfering with, or the attempt to prevent, obstruct, impede, disturb, or interfere with any person legally hunting in accordance with rules and regulations of the Department of Conservation and Natural Resources and the laws of the State of Alabama; to provide for misdemeanor penalties for violating this act.

Be It Enacted by the Legislature of Alabama:

Section 1. No person shall willfully and knowingly prevent, obstruct, impede, disturb, or interfere with, or attempt to prevent, obstruct, impede, disturb, or interfere with any person in legally hunting pursuant to the rules and regulations of the Department of Conservation and Natural Resources and the law of the State of Alabama.

Section 2. Activities prohibited by this act shall include, but not be limited to the following:

(a) Creating a visual, aural, olfactory, or physical stimulus intended to affect the natural behavior of the wild animal being hunted.

(b) Affecting the condition or location of personal property intended for use in the hunting.

Section 3. No person shall fail to obey the order of a peace officer to desist from conduct which violates this act.

Section 4. This act applies only to activities on lands upon which hunting may legally occur. This section does not apply to acts of a peace officer, owner of the lands or waters, or the tenant or other person acting under authority of the owner of the lands or waters, or acts committed on publicly owned lands or waters; provided, however, that the provisions of this act shall apply to wildlife and game management areas operated by the Game and Fish Division of the Alabama Department of Conservation. This act shall not be construed to prohibit conduct protected under the First Amendment to the United States Constitution.

Section 5. Any person violating this act is guilty of a Class C misdemeanor.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect that part which remains.

Section 7. This act is supplemental to all laws relating to hunting and shall be construed in pari materia with Chapter 15 of Title 35 of the Code of Alabama 1975.

Section 8. This act shall become effective January 1, 1995, after its passage and approval by the Governor, or its otherwise becoming law.

Approved April 5, 1994

Time: 11:21 A.M.

Act No. 94-322

S. 282 – Senator Bedsole

AN ACT

To amend the definition of livestock as it is found in §§2-15-150, 2-15-20, 2-15-40, 2-15-43, 2-15-60, 2-15-131, and 2-15-118.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend §2-15-150 to read as follows:

“§2-15-150.

When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **DEPARTMENT.** The department of agriculture and industries of the state of Alabama.

(2) **COMMISSIONER.** The commissioner of the department of agriculture and industries of the state of Alabama.

(3) **DISEASE OR DISEASE OF ANIMALS.** Contagious, communicable or infectious diseases of animals.

(4) **MATERIALS.** Infected barns or other infected structures or parts thereof and farm products, clothing, straw, hay or other feed for animals and other articles stored or contained in or adjacent to such barns or other structures.

(5) **LIVESTOCK.** Any animal maintained in captivity for any reason.”

Section 2. To amend §2-15-20 to read as follows:

“§2-15-20.

When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) COMMISSIONER. The commissioner of agriculture and industries of the state of Alabama.

(2) DEPARTMENT. The department of agriculture and industries of the state of Alabama.

(3) BOARD. The state board of agriculture and industries of the state of Alabama.

(4) BRAND. Any recorded identification mark applied to any position on the hide of livestock by means of heat, acid or a chemical, except numbers used to keep production records or record of age. The word “brand” shall also mean and include tattoo marks on the hide or in the ear of livestock.

(5) LIVESTOCK. Cattle, swine, sheep, goats, equidae, ratites and poultry.

(6) PERSON. Any individual, partnership, corporation or association.

(7) LIVESTOCK MARKET. A place where a person assembles livestock for public sale, if such person is required to procure a license or permit from the state department of agriculture and industries to operate such market.

(8) LIVESTOCK HIDE DEALER. Any dealer who buys hides of livestock.”

Section 3. To amend §2-15-40 to read as follows:

“§2-15-40.

Every person engaged in the business of buying livestock as defined in 2-15-20 for resale or slaughter or who engages in the business of transporting, hauling or driving livestock as defined in 2-15-20 along any public road or highway of Alabama for resale, market or slaughter or who engages in the business of slaughtering such livestock shall be deemed to be a dealer for the purposes of this article.”

Section 4. To amend §2-15-43 to read as follows:

§2-15-43. Dealers to obtain, etc., bills of sale upon purchase of livestock as defined in 2-15-20; dealers transporting livestock for hire upon public roads or highways to issue waybills or bills of lading; transporting of livestock without bill of sale, etc.; dealer, etc., to exhibit bill of sale, etc., upon demand by sheriff, etc.

All such dealers shall be required to obtain from the owner or seller, on purchase of any livestock as defined in 2-15-20, a bill of sale therefor, upon such forms as may be prescribed by the commissioner of agriculture and industries and shall, on purchase, leave with such owner or seller a copy or duplicate of such bill of sale.

Dealers engaged in the business of transporting or hauling for hire livestock as defined in 2-15-20 along any public road or highway shall issue a waybill or bill of lading for all livestock hauled or transported by them containing such information as may be required by rules and regulations approved by the state board of agriculture and industries.

It shall be unlawful for any dealer or his agent or employee to drive, haul or otherwise transport any such livestock along or upon any public road or highway in Alabama unless such dealer or his agent or employee shall have in his possession accompanying such hauling or shipment or transportation the original or a duplicate copy of the bill of sale, waybill or bill of lading as required by this section for any such livestock so being driven, hauled or transported, and the dealer or his agent or employee or other person in charge of such livestock shall on demand exhibit said accompanying bill of sale, waybill or bill of lading to any sheriff, deputy or other officer of the law."

Section 5. To amend §2-15-60 to read as follows:

"§2-15-60.

When used in this division, the following terms shall have the following meanings, respectively, unless the context clearly indicates a different meaning:

(1) **COMMISSIONER.** The commissioner of agriculture and industries of the state of Alabama.

(2) **BOARD.** The board of agriculture and industries of the state of Alabama.

(3) **PERSON.** Any individual, partnership, corporation, association or other legal entity or organization.

(4) **DEPARTMENT.** The department of agriculture and industries of the state of Alabama.

(5) **LIVESTOCK.** Cattle, swine, sheep, goats, equidae, ratites and poultry.

(6) **LIVESTOCK MARKET.** A place, concentration or collection point or other public or private place where a person shall assemble livestock for either public or private sale by him and such service or the cost or expense thereof is to be compensated for

by the owner, on a commission basis or otherwise, or where such person purchases livestock for resale. Such term shall not include:

a. Any place other than at a permanently established livestock market, used solely for the dispersal sale of the livestock of a farmer, dairyman, livestock breeder or feeder who is discontinuing said business and no other livestock is there sold or offered for sale;

b. Any farm, ranch or place where livestock either raised or kept thereon for the grazing season or for fattening is sold and no other livestock is brought there for sale or offered for sale;

c. The premises of any butcher, packer or processor who receives animals exclusively for immediate slaughter;

d. The premises of any person engaged in the raising of livestock for breeding purposes only who limits his sale to animals of his own production;

e. Any place where a breeder or an association of breeders of livestock of any class assemble and offer for sale and sell under his or their own management any livestock when such breeder or association of breeders shall assume all responsibility of such sale and the title of livestock sold; and

f. Any place, other than at a permanently established livestock market, used solely for livestock sales of 4-H clubs, Future Farmers of America and other youth organizations of like kind."

Section 6. To amend §2-15-131 to read as follows:

"§2-15-131.

When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **COMMISSIONER.** The commissioner of agriculture and industries of the state of Alabama.

(2) **BOARD.** The board of agriculture and industries of the state of Alabama.

(3) **DEPARTMENT.** The department of agriculture and industries of the state of Alabama.

(4) **PERSON.** Any individual, partnership, corporation, association or other business unit.

(5) **DEALER.** Any person engaged in the business of buying livestock in the state of Alabama for resale, exchange or slaughter and meat packing purposes, either on his own account or as agent for others on a commission basis or otherwise.

(6) **LIVESTOCK.** Cattle, swine, sheep, goats, equidae, ratites, poultry and catfish.”

Section 7. To amend §2-15-118 to read as follows:

“§2-15-118.

The following definitions shall have the following meanings respectively ascribed to them unless the context clearly indicates otherwise:

(1) **BOARD.** The Alabama state public market board created pursuant to this article.

(2) **LIVESTOCK.** Cattle, swine, sheep, goats, equidae, ratites, poultry and exotic animals.

(3) **LIVESTOCK MARKET.** A place, concentration or collection point or other public or private place where a person shall assemble livestock for either public or private sale by him and the service or the cost or expense thereof is to be compensated by the owner, on a commission basis or otherwise. Such term shall not include:

(a) Any place, other than at a permanently established livestock market, used solely for the dispersal sale of the livestock of a farmer, dairyman, livestock breeder or feeder who is discontinuing said business and no other livestock is there sold or offered for sale;

(b) Any farm, ranch or place where livestock either raised or kept thereon for the grazing season or for fattening is sold and no other livestock is brought there for sale or offered for sale;

(c) The premises of any butcher, packer or processor who receives animals exclusively for immediate slaughter;

(d) The premises of any person engaged in the raising of livestock for breeding purposes only who limits his sale to animals of his own production;

(e) Any place where a producer or an association of producers of livestock of any class assemble and offer for sale and sell under his or their own management any livestock when such producer or association of producers shall assume all responsibility of such sale and the title of livestock sold; and

(f) Any place, other than a permanently established livestock market, used solely for livestock sales of 4-H clubs, Future Farmers of America and other youth organizations of like kind.

(4) **COMMISSIONER.** The commissioner of the Alabama department of agriculture and industries.

(5) **CHARTER.** The charter for a public livestock market business authorized to be issued under this article.

(6) **PERSON.** Any individual, association, partnership, corporation, or other entity.

(7) **LIVESTOCK MARKET OWNER.** Any person engaged in the business of conducting or operating a public livestock market whether personally or through agents or employees.

(8) **DEPARTMENT.** The department of agriculture and industries.”

Section 8. Notwithstanding any provision of law to the contrary, it shall be illegal to own, maintain, sell, or trade any canidae or felidae for which there is no USDA licensed rabies vaccine. Anyone currently owning or maintaining such animal may keep the animal for the length of the animal's life providing the animal is spayed or neutered and is registered with the Department of Agriculture and Industries. This section does not apply to any zoological parks, circuses, colleges, and universities, animal refuges approved by the Department of Agriculture and Industries, county or municipal humane shelters, the Department of Conservation and Natural Resources, or veterinary clinics.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:22 A.M.

Act No. 94-323

S. 27 – Senator Denton

AN ACT

To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize the establishment of commercial development authorities in Class 1, 2, and 3 cities, to grant all municipalities within the state the authority to establish commercial development authorities.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-54-170 and 11-54-171, Code of Alabama 1975, are amended to read as follows:

“§11-54-170.

“It is the intent of the legislature by the passage of this article to authorize the incorporation in any municipality of commercial development authorities to acquire, own, and lease projects for the

purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in any municipality and expand existing facilities in any municipality. It is intended that each project be self-liquidating. It is not the intent of the Legislature to authorize any authority itself to operate any commercial enterprise. This article shall be liberally construed in conformity with the intent.

“§11-54-171.

“The following words and phrases used in this article shall, in the absence of clear implication otherwise, be given the following interpretations:

“(1) **APPLICANT.** A natural person who files a written application with the governing body of any municipality in accordance with section 11-54-173.

“(2) **AUTHORITY.** A public corporation organized pursuant to this article.

“(3) **AUTHORIZING MUNICIPALITY.** Any municipality the governing body of which shall have adopted an authorizing resolution.

“(4) **AUTHORIZING RESOLUTION.** A resolution adopted by the governing body of any municipality in accordance with section 11-54-173, that authorizes the incorporation of an authority.

“(5) **BOARD.** The board of directors of an authority.

“(6) **BONDS.** Includes bonds, notes, and certificates representing an obligation to pay money.

“(7) **COUNTY.** Any county in the state.

“(8) **DIRECTOR.** A member of the board of an authority.

“(9) **GOVERNING BODY.** With respect to a municipality, its city or town council, board of commissioners, or other like governing body.

“(10) **INCORPORATORS.** The persons forming a public corporation organized pursuant to this article.

“(11) **MUNICIPALITY.** Any incorporated city or town of the state.

“(12) **PERSON.** Unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department, or instrumentality of the state, or of a county or municipality.

“(13) **PRINCIPAL OFFICE.** The place at which the certificate of incorporation and amendments thereto, the bylaws, and the minutes of the proceedings of the board of an authority are kept.

“(14) POLLUTION. Any of the following:

“a. The placing, whether by emission, discharge, leakage, or other means, of any noxious or deleterious noise or substance into any air or water of, in or adjacent to the state of Alabama.

“b. The contaminating of air and water.

“c. The affecting of any air or water so as to render or be likely to render the air or water, or the use of either for domestic, industrial, agricultural, or recreational purposes, hazardous, inimical, or harmful to the health, safety, or welfare of human beings, animals, birds, aquatic creatures or any of them or to the existence or growth of vegetation.

“(15) POLLUTION CONTROL FACILITY. Any land, building, structure, machinery, or equipment having to do with or designed for or the end purpose of which is the control, reduction, abatement, or prevention of air, noise, water, or general environmental pollution, including, but not limited to the following: any air pollution control facility, noise abatement, or reduction facility, water management facility, water purification facility, waste water collecting system, waste water treatment works, or solid waste disposal facility.

“(16) PROJECT.

“a. Any land and any building or other improvement thereon and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the following or by any combination of two or more of the following:

“1. Any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing, or selling of any products of agriculture, mining, or industry.

“2. Any enterprise for the purpose of research in connection with:

“(i) Any of the foregoing.

“(ii) The development of new products or new processes.

“(iii) The improvement of existing products or known processes.

“(iv) The development of facilities for the exploration of outer space or promotion of the national defense.

“3. Any commercial enterprise engaged in selling, servicing, providing, or handling any policies of insurance or any financial services.

“b. Any land and any building or other improvement thereon and all real and personal property deemed necessary in connection

therewith, whether or not now in existence, which shall be suitable for use as all or any part of the following:

"1. A ship canal, port or port facility, off-street parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway belt line and switch.

"2. An office building or buildings.

"3. A planetarium or museum.

"4. A pollution control facility.

"5. A hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation, or activity.

"6. A shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation, or activity, provided, that a 'project' shall not include facilities, other than office buildings or other buildings suitable for use as corporate headquarters, designed for the sale or distribution to the public of electricity, gas, water, or telephone, or other services commonly classified as public utilities.

"(17) STATE. The state of Alabama."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:23 A.M.

Act No. 94-324

S. 64 – Senator Waggoner

AN ACT

Relating to Jefferson County; to further provide for the salary for the statutory chief clerk of the probate court of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jefferson County, where the chief clerk of the probate court appointed pursuant to Section 12-13-40, Code of Alabama 1975, is also serving in a civil service position with the probate court, the chief clerk shall receive a salary in the sum of ten thousand dollars (\$10,000) per year for the appointed position. The salary shall be paid from the general fund of the county in equal

monthly installments and shall be in addition to any other salary, allowances, or benefits the chief clerk receives, now or in the future, by virtue of holding a civil service position with the probate court.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:24 A.M.

Act No. 94-325

S. 425 – Senator Parsons

AN ACT

To authorize the Board of Managers of the City of Birmingham Retirement and Relief System to consider the application of Donald C. Waid for a pension based upon extraordinary disability and to award the pension if, in the judgment of the Board of Managers, the pension is required, and to provide for the conditions and limitations applying to the pension.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Board of Managers of the City of Birmingham Retirement and Relief System, as created by Act No. 929, S. 676, 1951 Regular Session, being amended in full by Act No. 1272, H. 620, 1973 Regular Session, is granted the authority to consider on its merits, an application for extraordinary disability to be filed by Donald C. Waid, an employee of the City of Birmingham, subject to all provisions of law applicable. The Board of Managers is authorized, in the case of Donald C. Waid, to waive compliance with the provision of law requiring all applications for extraordinary disability to be made within 12 months after the accident resulting in the disability and requiring that the pensions be granted only within 12 months after the accident resulting in the disability. The Board of Managers shall have the authority to award the extraordinary pension to Donald C. Waid if, in the sole judgment of the Board of Managers, the pension is required.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:25 A.M.

Act No. 94-326

S. 609 – Senator Dial

AN ACT

Relating to Clay County; providing for the assessment of additional costs and charges in all circuit and district court cases, excluding small claims division cases, and providing for the establishment of a Judicial Administration Fund in the County and the distribution of moneys in the fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and charges in circuit and district court cases in Clay County, an additional court charge of one dollar (\$1) shall be charged and collected by the clerk of the court. This charge shall not be collected on small claims cases. When collected by the clerk of the court, the additional court charge shall be remitted monthly to the Judicial Administration Fund.

Section 2. (a) The Judicial Administration Fund is hereby established for the deposit of the court cost fees specified in this act. The fund shall be maintained in an interest bearing account under the supervision of the Presiding Circuit Court Judge.

(b) Any funds appropriated from the Judicial Administration Fund shall be expended for increasing the efficiency of Judicial Administration in Clay County, including but not limited to, training and educational enhancement of judicial personnel in Clay County. Any funds expended shall be authorized by the Presiding Circuit Court Judge of Clay County.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 11:26 A.M.

Act No. 94-327

H. 203 – Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of the Coosa Valley Medical Center School of Nursing for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$107,779 from the

Alabama Special Educational Trust Fund to the Coosa Valley Medical Center School of Nursing.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1994-95 an operations plan for fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of this report.

Section 4. This Act shall become effective October 1, 1994.

Approved April 5, 1994

Time: 11:37 A.M.

Act No. 94-328

H. 204 – Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$222,946 from the Alabama Special Educational Trust Fund to Lyman Ward Military Academy.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1994-95 an operations plan for fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1994.

Approved April 5, 1994

Time: 11:38 A.M.

Act No. 94-329

H. 205 – Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$477,743 from the Alabama Special Educational Trust Fund to Marion Military Institute.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1994-95 an operations plan for fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1994.

Approved April 5, 1994

Time: 11:39 A.M.

Act No. 94-330

H. 206 – Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of Walker County Junior College for the fiscal year ending September 30, 1995, and to require an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$573,291 from the

Alabama Special Educational Trust Fund to Walker County Junior College.

Section 2. The Department of Examiners of Public Accounts is hereby authorized and empowered to audit the records of the said institution to the same extent, degree, and scope as its audits of public educational institutions, and said institution shall submit to the Legislature each year before any subsequent appropriation requests may be considered by the Legislature, a full accounting of its receipts, disbursements, assets, liabilities, and other resources as of the date of the close of its immediately preceding academic year.

Section 3. Prior to the release of any funds appropriated under this bill for fiscal year 1994-95 an operations plan for fiscal year 1994-95 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of this report.

Section 4. This act shall become effective October 1, 1994.

Approved April 5, 1994

Time: 11:40 A.M.

Act No. 94-331

H. 207 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1995, the sum of forty-seven thousand dollars (\$47,000) out of the funds in the Alabama Special Educational Trust Fund.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:41 A.M.

Act No. 94-332

H. 212 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Kate Duncan Smith DAR School from the Alabama Special Educational Trust Fund, the sum of thirty-five thousand dollars (\$35,000).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1995, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:42 A.M.

Act No. 94-333

H. 214 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the East Alabama Child Development Center from the Alabama Special Educational Trust Fund, the sum of one million one hundred eighty thousand one hundred ninety-six dollars (\$1,180,196).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1995, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the

Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:43 A.M.

Act No. 94-334

H. 215 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of Educational Resources, Inc. for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to Educational Resources, Inc. from the Alabama Special Educational Trust Fund, the sum of one hundred fifty thousand dollars (\$150,000) to be used for the support and maintenance of said program.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1995 an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:44 A.M.

Act No. 94-335

H. 216 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Exploreum Museum of Discovery, the sum of eighteen thousand one hundred one dollars (\$18,101), from the Alabama Special Educational Trust Fund, to be used for support and maintenance.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:45 A.M.

Act No. 94-336

H. 217 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Helen Keller Eye Research Foundation, the sum of three hundred seven thousand six hundred fifteen dollars (\$307,615), from the Alabama Special Educational Trust Fund, to be used for support and maintenance.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:46 A.M.

Act No. 94-337

H. 218 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1995, and to require an audited financial statement and operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995 the sum of \$150,000 out of the funds in the Alabama Special Educational Trust Fund to the Alabama Humanities Foundation.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:47 A.M.

Act No. 94-338

H. 220 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1995, the sum of one hundred twenty-nine thousand and eighty-one dollars (\$129,081) out of the funds in the Alabama Special Educational Trust Fund.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations

during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:48 A.M.

Act No. 94-339

H. 222 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of twenty-three thousand five hundred and seventy-five dollars (\$23,575) out of the funds in the Alabama Special Educational Trust Fund, to the Alabama YMCA Youth and Government for use in their legislative and judicial programs.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 5, 1994

Time: 11:49 A.M.

Act No. 94-340

S. 390 – Senator Foshee

AN ACT

To amend Section 23-1-5, Code of Alabama 1975, to increase the income level of certain utilities receiving costs of relocation of certain facilities necessitated by construction of certain highways.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 23-1-5, Code of Alabama 1975, is amended to read as follows:

“§23-1-5.

“(a) Whenever the State Highway Director shall determine and order that the relocation of any utility facility is necessitated by the construction of any project on the national system of interstate and defense highways, including the extensions thereof within urban areas, the utility owning or operating the utility facility shall relocate the facility in accordance with the order of the State Highway Director. Notwithstanding the foregoing, if the cost of the utility facility relocation is eligible and approved for reimbursement by the federal government, the cost of the relocation of the utility facility shall be paid by the state as a part of the cost of the construction of the project out of the funds then or thereafter available for the highway construction after the utility has furnished the State Highway Director with all papers, records, or other supporting documents required by the director. After the final federal bureau of public roads audit, the utility shall repay to the state the difference, if any, between the total amount paid by the state to the utility for the relocation and the total amount collected by the state from federal participation on the utility relocation, plus the state’s matching share of the federal participation.

“(b) Whenever the State Highway Director shall determine and order that the relocation of any utility facility is necessitated by the construction of any highway, road or street, other than the highways that are a part of the national system of interstate and defense highways referred to in subsection (a) of this section, the utility owning or operating the facility shall relocate the facility in accordance with the order of the State Highway Director at its own expense. Notwithstanding the foregoing, if the facilities to be relocated are owned by any utility which had a gross income of seventy-five million dollars (\$75,000,000) or less for the calendar year immediately preceding the relocation or in the case of utilities which may be hereafter organized and created which have a gross income of seventy-five million (\$75,000,000) or less in their first complete year of operation or in the calendar year immediately preceding the relocation, the cost of the relocation of the utility facility shall be paid by the state as a part of the cost of the construction of the project out of the funds then or thereafter available for the highway construction after the utility has furnished the State Highway Director with all papers, records, or other supporting documents required by the director. After the final federal bureau of public roads audit, the utility shall repay to the state the difference, if any, between the total amount paid by the state to the utility for the relocation and the total amount collected by the

state from federal participation on the utility relocation, plus the state's matching share of the federal participation.

“(c) The State Highway Director is authorized to enter into contracts or agreements and to conform any existing contracts or agreements with utilities in order to effectuate the purposes of this section.

“(d) The word ‘utility’ shall include publicly, privately, and cooperatively owned utilities. The words ‘cost of relocation’ shall include the entire amount paid by the utility properly attributable to the relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility. The words ‘national system of interstate and defense highways’ mean the national system of interstate and defense highways or interstate system described in subsection (d) of section 103 of Title 23, United States Code.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 5, 1994

Time: 2:30 P.M.

Act No. 94-341

H. 789 – Reps. Hill, Knight (A)

AN ACT

~~to propose an amendment to the Constitution of Alabama of 1901 for Shelby County, providing further for license taxes on certain real estate operations and transactions.~~

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) In order to allow for the orderly and efficient collection of municipal business license taxes in Shelby County with respect to corporations, firms, brokers, agents, and others in the business of buying, selling, leasing, or representing others in the purchase, sale, or lease of real property in Shelby County, the Legislature

may, by local law, provide for the imposition and collection of taxes as follows:

1. Any city or municipality within Shelby County may fix and collect licenses pursuant to Sections 11-51-90 and 11-51-91, Code of Alabama 1975, for any business, trade, or profession relating to the buying, selling, or renting of real estate on commission in Shelby County if the licensee maintains its principal place of business in the corporate limits or police jurisdiction of that city or municipality.

2. Effective January 1, following the ratification of this amendment and each year thereafter, in addition to the taxes, if any, imposed under 1. above, every corporation, firm, broker, agent, or other person or entity engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Shelby County shall pay an annual business license tax at a rate to be set by the Legislature for the privilege of engaging in that business in every other city or municipality in Shelby County. The tax shall be collected by the License Commissioner of Shelby County and shall be distributed by the License Commissioner of Shelby County to each city or municipality within Shelby County on a pro rata basis based on population. The License Commissioner of Shelby County shall be entitled to an administrative fee for administering this tax at a rate to be set by the Legislature. The fee shall be added to the license tax.

3. Effective January 1, following the ratification of this amendment and each year thereafter, except for the licenses permitted or mandated under 1. and 2. above, no other privilege license tax or any other fee or tax shall be imposed under Sections 11-51-90 and 11-51-91, Code of Alabama 1975, or any other law by any city or municipality within Shelby County on corporations, firms, brokers, agents, or other persons or entities engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Shelby County.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Shelby County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284

and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 17, 1994

Passed the Senate April 5, 1994

Act No. 94-342

H. 727 – Rep. Powell

AN ACT

Proposing an Amendment to the Constitution of Alabama of 1901, to provide further for the compensation of the Judge of Probate of Autauga County and repealing Amendment No. 493 to the Constitution of Alabama of 1901, as submitted November 8, 1988, and proclaimed ratified November 23, 1988, and Act No. 93-316, H. 603, 1993 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) Effective the beginning of the next term of office after ratification of this amendment, the Judge of Probate of Autauga County shall receive compensation in the form of an annual salary that shall be the amount of the minimum salary prescribed by general law. The salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

(b) All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the Judge of Probate of Autauga County shall continue to be collected but shall be paid into the county general fund.

(c) Amendment No. 493 to the Constitution of Alabama of 1901, as submitted November 8, 1988, and proclaimed ratified November 23, 1988, and Act No. 93-316, H. 603, 1993 Regular Session, relating to the compensation of the Judge of Probate of Autauga County, are repealed.

(d) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Autauga County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 8, 1994

Passed the Senate April 5, 1994

Act No. 94-343

H. 740 – Reps. Knight (A), Hill

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901 and to repeal Act No. 93-311, S. 612, and Act No. 93-318, H. 855, 1993 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

PART ONE

The governing body of Shelby County, herein called the "County", is authorized to pledge all or a portion of the proceeds of the tax levied pursuant to Act No. 93-656, H. 794, 1993 Regular Session, the tax being herein called the "Special Tax" and the act being herein called the "Special Tax Act", to secure the payment of:

(i) the principal of and the interest and premium on:

(a) any warrants of the County that were outstanding and unpaid at the time of enactment of the Special Tax Act, regardless of whether such warrants were issued as general obligations of the County secured by a pledge of its full faith and credit or were issued as limited obligations of the County payable solely from certain specified revenues or other funds of the County; or

(b) any warrants or other obligations issued by the County or by a public corporation formed pursuant to the approval or consent of the governing body of the County to refund, in whole or in part:

(1) any warrants described in the preceding clause (a); or

(2) any warrants or other obligations issued to refund, in whole or in part, any warrants described in the preceding clause (a); or

(ii) ~~any obligation of the County under any lease agreement or~~ other contract heretofore or hereafter executed and delivered by the County to provide a source of payment for the principal of and the interest and premium on:

(A) any warrants of the Shelby County Public Building Authority that were outstanding and unpaid at the time of enactment of the Special Tax Act; or

(B) any warrants or other obligations issued by the County or by the Public Building Authority or by another public corporation formed pursuant to the approval or consent of the governing body of the County to refund, in whole or in part:

(I) any warrants described in the preceding clause (A); or

(II) any warrants or other obligations issued to refund, in whole or in part, any warrants described in the preceding clause (A).

The governing body of the County may make either a single pledge of the proceeds of the Special Tax or multiple pledges of such proceeds. The proceedings of the governing body providing for any such pledge of all or a portion of the proceeds of the Special Tax may specify either that such pledge shall be prior and superior to any pledge of such proceeds thereafter made or that such pledge shall be on a parity with any subsequent pledge with respect to which certain stated conditions are satisfied. Any proceeds of the Special Tax that are not needed for the payment of the obligations for which such proceeds are pledged shall be used in such manner consistent with the Special Tax Act, or any amendment thereof hereafter enacted, as the governing body of the County shall specify; provided, however, that so long as any obligations of the County described in subparagraph (i) or (ii) of the first paragraph of this amendment remain outstanding and unpaid, the proceeds of the Special Tax may not be used for any purpose other than the payment of such obligations or the establishment or replenishment of a reserve fund or similar fund to secure the payment of any or all of such obligations.

Except for general obligations of the County for the payment of which the County has pledged its full faith and credit, no warrants or other obligations of the County for the payment of which the County hereafter pledges all or a portion of the proceeds of the Special Tax shall constitute an indebtedness of the County for purposes of Section 224 of the Constitution of Alabama of 1901, as amended by Amendment No. 342.

The Special Tax Act is ratified, approved, validated, and confirmed in all respects; provided, however, that the provisions of this amendment shall control in the event of any inconsistency between the provisions hereof and the provisions of the Special Tax Act.

PART TWO

Act No. 93-311, S. 612, and Act No. 93-318, H. 855, 1993 Regular Session, Shelby County proposed, but not ratified, Constitutional Amendments, relating to the same subject matter as this amendment, are repealed.

PART THREE

This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Shelby County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional

amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 17, 1994

Passed the Senate April 5, 1994

Act No. 94-344

H. 659 – Rep. Clark (J)

AN ACT

Relating to Barbour County; proposing an amendment to the Constitution of Alabama of 1901, to assess an additional fee on civil and criminal cases in the county with the proceeds to be used for planning, designing, construction, operation, and financing of a county jail.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) In addition to any court costs and fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105 of the Constitution of Alabama of 1901, there shall be an additional twenty-five dollar (\$25) fee assessed and taxed as costs on each civil case and an additional fifty dollar (\$50) fee assessed on each criminal case, including traffic cases, filed in the Circuit Court, District Court, or any Municipal Court in Barbour County, as well as a fee not to exceed five dollars (\$5) for the service of all pleadings and other documents in connection with any such action or case. The aforementioned fees shall not be waived by any court unless all other fees, assessments, costs, fines,

and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Barbour County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail. This amendment shall be self-executing and shall require no enabling legislation.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Barbour County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this amendment, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House February 24, 1994

Passed the Senate April 5, 1994

Act No. 94-345

H. 662 – Rep. Black (L)

AN ACT

Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901, to validate certain laws regulating court costs.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) All general laws, local laws, and population based laws previously enacted by the Legislature and which are in effect on January 1, 1994, pertaining to or applicable to Sumter County which in whole or in part regulate costs and charges of courts are hereby ratified, approved, validated, and confirmed as of the date of their enactment. Any actions taken or payments made in accordance with those laws are hereby ratified, approved, validated, and confirmed. This amendment shall not be construed as prohibiting the Legislature from properly enacting a law to amend or repeal those laws.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Sumter County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 8, 1994

Passed the Senate April 5, 1994

Act No. 94-346

H. 687 – Rep. Hammett

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, providing for fire protection in Covington County; levying a special fire protection property tax; providing for collection of the tax; providing for the distribution of funds from the tax to the fire departments and to the rescue squads; and repealing Act No. 93-317, H. 825, 1993 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) The Legislature hereby declares that the fire departments and rescue squads that receive funds pursuant to this amendment are organizations which are public in nature, as they promote and protect the health, safety, and welfare of the citizens of the county.

(b) The County Commission of Covington County shall levy and collect a special property tax, in addition to all other taxes now or hereafter provided by law, of three mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire, emergency medical, and rescue services.

(c) The Revenue Commissioner of Covington County shall assess the tax herein provided for, and shall collect the fire tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid into a special county fund. Within thirty days of payment into the special fund, the county commission shall allocate the funds among the eligible fire departments and rescue squads. The funds shall be divided equally among the eligible fire departments and rescue squads.

(d) An eligible fire department, for purposes of this amendment, means a fire department in Covington County that maintains an ISO-approved rating of at least Class 9, is certified under the Alabama Forestry Commission guidelines, and is a member in good standing of the Covington County Firefighters Association. An eligible rescue squad, for purposes of this amendment, means a rescue squad that is certified by the Alabama Association of Rescue Squads or Emergency Medical Services.

(e) Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and emergency medical and rescue services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by a fire department or rescue squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By

September 15 of each year, the fire departments and rescue squads shall file a financial statement with the Covington County Commission detailing the expenditure of all funds received from this amendment during the previous twelve months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The Covington County Firefighters Association shall supply the accounting forms to each eligible fire department and rescue squad. No new fire departments shall be funded within Covington County without prior approval of the Covington County Firefighters Association and the Covington County Commission and without first being certified according to Alabama Forestry Commission guidelines. New departments shall attain an ISO Class 9 rating within two years of receiving fire tax funds to remain eligible. No new rescue squads shall be funded within Covington County without prior approval of the Covington County Commission.

(f) Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the county commission. The funds and assets shall be reallocated by the county commission equally to the other fire departments and rescue squads. In the event there are no fire departments or rescue squads, the funds or assets shall be placed in the county general fund.

(g) The personnel of fire departments and rescue squads provided for in this amendment shall not be considered employees, servants or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

(h) Act No. 93-317, H. 825, 1993 Regular Session, is repealed.

(i) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Covington County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 8, 1994

Passed the Senate April 5, 1994

Act No. 94-347

H. 704 – Reps. Haney, Hall (A), Sanderford,
Butler, Freeman

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to transfer title of the real property, equipment, and facilities of the Alabama State Docks located in Madison County to the Huntsville-Madison County Marina and Port Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

The State of Alabama, through the Alabama State Docks Department, may convey, without consideration, title to its real property, equipment, and facilities located in Madison County, Alabama, and known as the Alabama State Docks, to the Huntsville-Madison County Marina and Port Authority, a public corporation. The conveyance shall be subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws, or any provisions of the Constitution of Alabama of 1901, are revised, superseded, and repealed to the extent they are in conflict with this amendment.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is

adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 8, 1994

Passed the Senate April 5, 1994

Act No. 94-348

H. 49 – Rep. Cullins

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of fire districts, and the levy of service charges for fire protection and emergency medical services in Tallapoosa County by the E911 Board of Commissioners of Tallapoosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) Upon approval of the E911 Board of Commissioners of Tallapoosa County, districts may be established for fire protection and emergency medical services within the geographical boundaries of Tallapoosa County. Each district for fire fighting and emergency medical services of Tallapoosa County is authorized, in its discretion, to levy a service charge for fire protection and emergency medical services in an amount it deems reasonable on each dwelling and commercial building in Tallapoosa County. A service charge if approved by the majority of the voters residing in the proposed fire district shall be collected by the board of directors of the proposed district that has response coverage for the district unless otherwise provided by law. The proceeds from the service

charge less any costs of collection shall be used by the district for fire protection and emergency medical service.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Tallapoosa County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 8, as amended

Passed the Senate April 5, 1994

Act No. 94-349

H. 688 – Reps. Box, Butler, Fuller, Petelos, Burke, Curry, Collins, Rockhold, Willis, Laird, Lindsey, Mikell, Smith (C), Bowling, McClain, Gullatt, Barnes, Hammett, Perdue, Sanderson, Zoghby, Morrow, White, Page, Black (M), Starkey, Freeman, Harvey, Powell, Sanderford, McDaniel, Hilliard, Clay, McMillan, Haynes, Thomas, Morton, Knight (J), McKee, Hogan, Crow, Knight (A), Clark (J), Clark (W), Kennedy, Buskey, Hawkins, Carns, Payne,

Biddle, Haney, Smith (R), Hill,
 Gaines, Parker (T), Spratt,
 Richardson, Millican, Rogers (J),
 Ford, Drake, McDowell, Flowers,
 Cullins, Cosby, Warren, Johnson,
 Hooper, Newton (C), Beasley,
 Carothers, Layson, Williams,
 Turner, Mathis, Penry, Gaston,
 Kvalheim, Blakeney, Bryant,
 Dolbare

AN ACT

Proposing an amendment to the Constitution of Alabama of 1901, providing for basic rights for crime victims.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) Crime victims, as defined by law or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when authorized, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime.

(b) Nothing in this amendment or in any enabling statute adopted pursuant to this amendment shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions. The Legislature may from time to time enact enabling legislation to carry out and implement this amendment.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks

immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 17, 1994 as amended

Passed the Senate April 5, 1994

Act No. 94-350

S.J.R. 110 – Senators Dixon, Amari, Bailey, Barron, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING SENATOR ANN BEDSOLE.

WHEREAS, the Alabama Legislature is exceedingly pleased to join in tribute to our colleague, Ann Bedsole, on her selection as 1993 Mobilian of the Year, a singular honor sponsored annually by the Civitan Club; and

WHEREAS, Ann Bedsole, a native of Selma and a resident of Mobile since 1958, possesses an admirable and long standing record of service, involvement and leadership with such organizations as Mobile United Way and the Junior League of Mobile, and as a member of the boards of South West Alabama Residential Care Association, Family Resource Coalition of Alabama, CONTACT Mobile, and Gulf Coast Public Broadcasting; and

WHEREAS, active in political affairs for many years, she was a delegate to the 1972 Republican National Convention and, of course, for the past almost 16 years, has served in the Alabama Legislature, representing District 101 in the House for one term and, since 1982, as a member of the Senate where she has been assigned to a

number of important committees, including the Senate Judiciary/Criminal and the Interim Budget Committees; and

WHEREAS, other of her leadership positions include chairperson of the Agriculture, Conservation and Forestry Committee, and the Interim Committee on Agriculture; vice-chairperson of the Senate Education Committee; and membership on the Department of Youth Services Board, Alabama Forest Resources Center Board (chairperson), Alabama High School of Mathematics and Science Board, the Huntingdon College and Spring Hill College Boards of Trustees, Alabama Humanities Foundation, Alabama Pals, and the Alabama Urban Forestry Association Task Force on the Development of Alabama's Cultural Resources; and

WHEREAS, Senator Bedsole, who attended the University of Alabama and Denver University, is the recipient of Doctor of Laws degrees from Huntingdon College and Mobile College, and, over the years, has been honored with numerous distinctions in recognition of outstanding service at the local and state levels; and

WHEREAS, Ann Bedsole, who, in 1982, was the first woman to serve in the Alabama Senate, is a candidate for the Republican nomination for Governor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished civic, community and public service, and as 1993 Mobilian of the Year, we hereby commend and congratulate Ann Bedsole of Mobile, for whom a copy of this resolution shall be provided, in token of friendship and with highest personal regard.

Approved April 6, 1994

Time: 9:30 A.M.

Act No. 94-351

H. 528 – Rep. Butler

AN ACT

Relating to Madison County; authorizing the county commission to prepare certain sites and adjacent property in the county, accessible by the public, for parks and recreational and public purposes; providing that the county may expend public funds for the purposes of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission may prepare sites and adjacent property in the county, accessible by the public, for parks and recreational and public purposes if the prepared

property is owned by a tax-exempt nonprofit corporation located in the Monrovia School District.

Section 2. The Madison County Commission may expend public funds for site preparation as provided in Section 1 of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor.

Approved April 6, 1994

Time: 9:31 A.M.

Act No. 94-352

S. 605 – Senator Little

AN ACT

To amend Section 11-43A-9, Code of Alabama 1975, relating to the election of city councils in Class 6 municipalities; to authorize the municipal governing body of each such municipality to establish, by ordinance, geographic boundaries for district posts for the election of the council members; to provide that electors shall vote in the district post in which they reside; and to provide that Section 11-43A-33, Code of Alabama 1975, shall not apply in 1994 to the designation of district post descriptions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-43A-9, Code of Alabama 1975, is amended to read as follows:

“§11-43A-9.

“In all cities to which this section applies, except Class 6 cities wherein the municipal governing body has elected to have a nine-member council, as authorized in section 11-43A-8, the election for the first officers of the municipality shall be held on the same date as the date of election for the next ensuing general municipal election. Before such election the governing body of the municipality shall cause the municipality to be divided into three districts containing as nearly an equal number of people as possible. Candidates shall qualify in the manner prescribed in the general municipal election laws and shall have the qualifications and eligibility set forth therein.

Each candidate shall announce that he or she is to become a candidate for mayor, or councilman-at-large, or if he or she desires to become a candidate for one of the three district posts, either district post 1, district post 2 or district post 3. A candidate for a district position shall reside in his or her district. Each voter in the election may cast one vote for a candidate for mayor, one vote for a councilman-at-large and one vote for the candidate from the district in which he or she resides. Any candidate receiving a majority of the total votes cast for mayor, councilman-at-large, district post 1, district post 2 and district post 3 shall be elected. In the event no candidate receives a majority for a place on the council there shall be a run-off election for such place held in the manner prescribed by the general municipal election laws. The councilmen elected shall take office as herein provided. Each councilman shall hold office for four years and shall serve until his or her successor shall have been elected and qualified.

"In Class 6 cities wherein the municipal governing body has elected to have a nine-member council as authorized in section 11-43A-8, the election for the first officers of the municipality shall be held on the same date as the date of election for the next ensuing general municipal election. Before such election the governing body of the municipality shall cause the municipality to be divided into four districts containing as nearly an equal number of people as possible. Candidates shall qualify in the manner prescribed in the general municipal election laws and shall have the qualifications and eligibility set forth therein. Each candidate shall announce that he or she is to become a candidate for mayor, or if he or she desires to become a candidate for one of the eight district posts, either district 1 post 1, district 1 post 2, district 2 post 1, district 2 post 2, district 3 post 1, district 3 post 2, district 4 post 1, or district 4 post 2. A candidate for a district position shall reside in his or her district. **The municipal governing body shall have the authority by ordinance to establish geographic boundaries of approximately equal population for each of the two posts in any or all of the four districts.** The ordinance of the city required by the preceding sentence shall be adopted no later than 75 days prior to the date of the election with respect to which the establishment of districts is to be effective. In establishing any such posts within a district, the city shall not be required to comply with Section 11-43A-33 except with respect to elections held subsequent to the publication of a federal census or population subsequent to the 1990 federal census of population. Each voter in the election may cast one vote for a candidate for mayor and one vote for a candidate for each of the two posts for the district in which he or she resides unless the municipal governing body has designated geographic boundaries for the two posts in a district. If the governing body has designated by ordinance geographic post boundaries for a district, then each voter within that

district may cast one vote for a candidate for the post position within the district geographic boundaries where he or she resides. Any candidate receiving a majority of the total votes cast for mayor, or for a district post shall be elected. In the event no candidate receives a majority for a place on the council there shall be a run-off election for such place held in the manner prescribed by the general municipal election laws. The councilmen elected shall take office as herein provided. Councilmen elected hereunder, each, shall hold office for four years and shall serve until his or her successor shall have been elected and qualified."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1994

Time: 9:32 A.M.

Act No. 94-353

H. 768 – Rep. Harvey

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for firefighting and emergency medical services and providing for mandatory annual dues for fire protection and emergency medical services in Blount County; and to repeal Act No. 93-342, H. 970, 1993 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) The Legislature may, by local law from time to time, provide for the establishment of districts in Blount County for fire protection and emergency medical services and provide for mandatory annual dues in the districts upon approval of the qualified electors residing within the districts. The Legislature shall provide for the operation of the districts and for the collection of mandatory annual dues. The Legislature may limit the liability of the county for the operation of a district and provide that a district shall be exempt from all taxation. The districts may include the area currently served by the Remlap Volunteer Fire and Rescue, Inc., or may be formed in other areas of the county.

(b) Act No. 93-342, H. 970, 1993 Regular Session, is repealed.

(c) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Blount County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 17, 1994 as amended

Passed the Senate April 7, 1994

Act No. 94 354

S. 573 – Senator Foshee

AN ACT

Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes in Covington County; and repealing Act No. 93-844, H. 67 of the First Special Session, relating to the operation of a lottery in Covington County is specifically repealed.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) The operation of bingo games for prizes or money by certain nonprofit organizations and certain private clubs for charitable,

educational, or other lawful purposes shall be legal in Covington County, subject to any resolution or ordinance by the county commission as provided by law regulating the operation of bingo. The county commission may promulgate rules and regulations for issuing permits or licenses and for operating bingo games within the county. The county commission shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian. No person under the age of 19 shall be permitted to conduct or assist in the conduct of any game of bingo.

(2) Except for special permit holders, no bingo permit or license shall be issued to any nonprofit organization, unless the organization has been in existence for at least five years and has owned real property in the county for five years immediately prior to the issuance of the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization or club operating the bingo game. If the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from operating the bingo games.

(4) No nonprofit organization or club shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may not pay consulting fees or any compensation or salary to any individual or entity for any services performed relating to operating or conducting any bingo game.

(5) A nonprofit organization may not lend its name or allow any other person or entity to use its identity in operating or advertising a bingo game in which the nonprofit organization is not directly and solely operating the bingo game or concessions.

(6) One hundred percent of the net revenues derived from operating bingo games shall be designated and expended for charitable or educational purposes.

(7) No person or organization, by whatever name or composition, shall take any expenses for operating a bingo game except as permitted by law.

(b) The Legislature may, by local legislation, provide for the implementation of this amendment, including, but not limited to, the imposition of criminal penalties for violations of this amendment or the local legislation.

Section 2. Act No. 93-844, H. 67 of the 1993 First Special Session is repealed.

Section 3. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 4. This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Covington County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 3 of this act, and no further election shall be required.

Section 5. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the Senate March 24, 1994

Passed the House April 7, 1994

Act No. 94-355

H. 693 – Reps. Higginbotham, Turnham

AN ACT

To propose an amendment to the Constitution of 1901, to limit the police jurisdiction and the planning and zoning authority of municipalities located partially within Lee County with certain exceptions; and to provide an expiration date of any provisions of the proposed amendment affecting the planning and zoning authority of any municipality.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) In Lee County, the police jurisdiction and planning and zoning authority of any municipality located partially within Lee

County with the exception of the municipality of Notasulga shall not extend beyond the corporate limits of the municipality. This amendment shall affect the authority of a municipality located partially within Lee County only in Lee County.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Lee County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

(c) The provisions of this amendment restricting the planning and zoning authority of any municipality affected by the amendment shall expire on June 30, 1997.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 8, 1994

Passed the Senate April 7, 1994 as amended

House concurred in Senate Amendment April 7, 1994

Act No. 94-356

H. 797 – Rep. Campbell

AN ACT

Relating to Calhoun County; to confirm that the Legislature may create a public corporation to assist or aid Calhoun County or any municipality therein in promoting industry, trade, and economic development and grant powers to the public corporation as the Legislature may consider necessary or desirable; to ratify Act No. 82-222 enacted at the 1982 Regular Session of the Alabama Legislature providing for the creation of the Calhoun County Economic Development Council; to

approve amendments of and supplements to Act No. 82-222; and to ratify all actions taken and obligations incurred by the Calhoun County Economic Development Council prior to the date of the ratification of this amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) The Legislature may, by general, local, or special law, provide for the creation, incorporation, organization, operation, administration, authority, and financing of a public corporation empowered or intended to assist or aid in any way Calhoun County or any municipality there in promoting industry, trade, and economic development of Calhoun County and each municipality situated in the county, and the Legislature may grant the corporation all powers, rights, privileges, exemptions, and authority as the Legislature considers necessary or desirable for the furtherance and accomplishment of the purposes of the public corporation. The passage and enactment of Act No. 82-222 of the 1982 Regular Session of the Alabama Legislature, and all terms and provisions of Act No. 82-222, are approved, ratified, and confirmed in all respects, any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, and Act No. 82-222 shall be effective from and as of the date of its passage and approval by the Governor during the 1982 Regular Session of the Alabama Legislature. Any act enacted during the 1993 Regular Session of the Alabama Legislature, or during any subsequent regular or special session of the Alabama Legislature, in amendment of or supplementary to Act No. 82-222 shall be effective as of the date of its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law. The creation, incorporation, organization, operation, administration, authority, and financing of the Calhoun County Economic Development Council is approved, ratified, and confirmed from and as of the date of passage and approval by the Governor of Act No. 82-222 during the 1982 Regular Session of the Alabama Legislature. All actions taken, and all obligations, whether secured or unsecured and whether general or limited as to the source of payment, incurred or assumed, in the name and on behalf of the Calhoun County Economic Development Council by any directors, officers, employees, representatives, or agents thereof in furtherance of the powers and purposes of the council as set forth in Act No. 82-222, as the same may be at any time amended or supplemented, prior

to the date this amendment is proclaimed ratified, are approved, ratified, and confirmed as fully effective for all purposes from and as of the respective dates of which the actions were taken and the obligations were incurred or assumed.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Calhoun County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this act, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 17, 1994

Passed the Senate April 12, 1994

Act No. 94-357

H. 183 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Central Alabama Opportunities Industrialization Center from the Alabama Special

Educational Trust Fund, the sum of one hundred twenty-five thousand dollars (\$125,000).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1995 an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 12, 1994

Time: 4:00 P.M.

Act No. 94-358

H. 224 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Cleveland Avenue YMCA, the 4th Avenue YMCA, the West End Youth and Sports Association, the Boys and Girls Club of Central Alabama, Inc.-Hueytown Unit and the Benjamin Barnes YMCA for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated the sum of \$40,730 from the Alabama Special Educational Trust Fund to the following agencies in the following amounts:

- a. Cleveland Avenue YMCA\$8,146
- b. 4th Avenue YMCA\$8,146
- c. West End Youth and Sports Association.....\$8,146
- d. Boys and Girls Club of Central
Alabama, Inc.-Hueytown Unit\$8,146
- e. Benjamin Barnes YMCA.....\$8,146

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 12, 1994

Time: 4:01 P.M.

Act No. 94-359

H. 225 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the United Cerebral Palsy of Alabama, Inc., the United Cerebral Palsy Development Center for East Central Alabama, the Simpson-May Cerebral Palsy Center, the Cerebral Palsy Housing Foundation, the United Cerebral Palsy of Huntsville and Tennessee Valley, Inc., the United Cerebral Palsy of Alabama, Inc. for Etowah County, the United Cerebral Palsy of West Alabama, the United Cerebral Palsy of Northwest Alabama, and the United Cerebral Palsy of Mobile for the year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1995, the sum of \$1,049,579, out of the funds in the Alabama Special Educational Trust Fund to the following:

- (a) United Cerebral Palsy of Alabama, Inc.....\$500,000
- (b) United Cerebral Palsy Development
Center for East Central Alabama\$142,000
- (c) Simpson-May Cerebral Palsy Center.....\$142,000
- (d) Cerebral Palsy Housing Foundation\$50,000
- (e) United Cerebral Palsy of Huntsville
and Tennessee Valley, Inc\$40,000
- (f) United Cerebral of Palsy Mobile.....\$75,579
- (g) United Cerebral Palsy of Alabama,
Inc. for Etowah County\$50,000
- (h) United Cerebral Palsy of West Alabama\$25,000
- (i) United Cerebral Palsy of Northwest Alabama\$25,000

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of

Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1994.

Approved April 12, 1994

Time: 4:02 P.M.

Act No. 94-360

H. 317 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Elyton Recovery Center from the State General Fund the sum of \$61,853.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1994.

Approved April 12, 1994

Time: 4:03 P.M.

Act No. 94-361

H. 450 – Reps. Clark (W), Buskey

AN ACT

To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the House of Hope, Inc., in Prichard, Alabama, for the fiscal year ending September 30, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the Alabama Special Educational Trust Fund in the State Treasury to the House of Hope,

Inc., in Prichard, Alabama, the sum of thirty thousand dollars (\$30,000) for the fiscal year ending September 30, 1994. The appropriation made in this section is in addition to any and all other funds heretofore or hereafter appropriated to the House of Hope, Inc.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:04 P.M.

Act No. 94-362

H. 546 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund for the support and maintenance of the Birmingham Children's Theatre for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Birmingham Children's Theatre from the Alabama Special Educational Trust Fund, the sum of \$300,000 to be used for the support and maintenance of said program.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1995, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1994.

Approved April 12, 1994

Time: 4:05 P.M.

Act No. 94-363

H. 252 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1995, for programs and services to help prevent the spread of AIDS; to require an operations plan and an audited financial statement; to establish tax

exemptions; and to provide for the formula disbursement of certain funds to the various community-based organizations.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated the sum of \$295,305 from the Alabama Special Educational Trust Fund to the AIDS Task Force of Alabama, Incorporated (hereinafter referred to as ATFA), for the fiscal year ending September 30, 1995, for educational programs and services to help prevent the spread of AIDS. Funds appropriated herein are for disbursement to the various AIDS prevention community-based organizations in Alabama, according to a plan to be developed by the Board of Directors of the AIDS Task Force of Alabama, Incorporated, with appropriate input from the various organizations enumerated in Section 4 of this act.

Section 2. Prior to the release of any funds appropriated herein, an operations plan for fiscal year 1994-95 must be developed by the Board of Directors of ATFA, submitted to and approved by the State Health Department and the HIV Education Advisory board and then forwarded to the Director of Finance. It is the intent of the Legislature that the state Medicaid Commissioner should work with ATFA in applying for federal matching dollars for part of the appropriation contained in this act.

Section 3. The HIV Education Advisory Board shall consist of six members as follows: The state Health officer or his designee; one assistant state health officer appointed by the state health officer; one physician appointed by the Infectious Disease Society of Alabama who is selected from a list of physicians who routinely treat HIV infection; two representatives appointed by the American Red Cross of which one must be a health educator; and, the Chairperson of the AIDS Task Force of Alabama community-based organization committee. ~~An audited financial statement of the expenditures shall be submitted to~~ the state Finance Director at the end of the fiscal year.

Section 4. ATFA shall limit the disbursement of funds contained in this or any other act which provides public funds to ATFA, to the following participating organizations and to no other organization or non-state agency:

- (1) AIDS Task Force of Alabama, Inc.
- (2) Birmingham AIDS Outreach, Inc.
- (3) Jefferson County AIDS in Minorities
- (4) AIDS Action Council of Huntsville
- (5) Mobile AIDS Support Services
- (6) Montgomery AIDS Outreach, Inc.
- (7) AIDS Services Center, Inc.

(8) Lee County AIDS Outreach, Inc.

(9) West Alabama AIDS Outreach

(10) Wiregrass AIDS Outreach, Inc.

Section 5. The ATFA Board of Directors shall develop a formula for the distribution of all state funds to the organizations enumerated in Section 4 of this act. Before the distribution formula is developed, there shall be appropriate input from all of the organizations listed in Section 4 of this act. Additional monies which have been provided for the 1994-95 fiscal year which exceed the fiscal year 1993-94 appropriation to ATFA shall be disbursed to the organizations listed in Section 4 of this act according to a formula based on the client caseload or incidence of client Human Immunodeficiency Virus (HIV) infection served by each organization listed in Section 4 of this act. The formula may take into consideration the statewide educational services which may be provided by ATFA from time to time.

Section 6. The expenses which are charged by ATFA for the overall and general administration of public funds provided by this or any other act of the legislature which makes appropriations to ATFA shall not exceed twelve (12) percent per fiscal year.

Section 7. All of the organizations listed in Section 4 of this act shall be exempt from the payment of any and all state, county, and municipal sales and use taxes.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:06 P.M.

Act No. 94-364

H. 255 – Rep. Harper

AN ACT

To make an appropriation for the support and maintenance of the Sickie Cell Education Program for the fiscal year ending September 30, 1995 and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated the sum of \$1,382,112 from the

Alabama Special Educational Trust Fund to the Sickie Cell Education Program as follows:

- (a) Jefferson County Sickie Cell
Detection Committee, Inc\$262,920
- (b) Sickie Cell Disease Association of
Gulf Coast, Alabama\$243,917
- (c) Sickie Cell Foundation of
Greater Montgomery, Inc\$141,863
- (d) Southeast Alabama Sickie Cell Association\$139,565
- (e) Tri-County West Central Alabama Sickie
Cell Anemia Association, Inc\$103,835
- (f) West Alabama Sickie Cell Program\$57,000
- (g) North Alabama Sickie Cell Program\$155,817
- (h) Children's Hospital of Birmingham\$41,132
- (i) Children's and Women's Hospital -
Comprehensive Sickie Cell Center\$236,063

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1994.

Approved April 12, 1994

Time: 4:07 P.M.

Act No. 94-365

H. 538 – Reps. Biddle, Payne

AN ACT

To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the Jefferson County Board of Education for the fiscal year ending September 30, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund in the State Treasury for the fiscal year ending September 30, 1994 the sum of \$240,000 to the Jefferson County Board of Education for capital outlay purposes to

reconstruct, renovate or repair school buildings at Rudd Junior High School that have been destroyed or damaged by fire.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:09 P.M.

Act No. 94-366

H. 415 – Rep. Harper

AN ACT

To make a conditional appropriation from the Alabama Special Educational Trust Fund to the Discovery 2000 Inc. for the fiscal year ending September 30, 1995, and to require an operations plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby conditionally appropriated to the Discovery 2000 Inc., the sum of two million dollars (\$2,000,000), from the Alabama Special Educational Trust Fund, to be used for capital outlay educational purposes only. The release of this appropriation is conditioned upon verification of receipt of two million dollars (\$2,000,000) matching funds.

Section 2. In addition, prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year 1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance.

Section 3. This act shall become effective on October 1, 1994.

Approved April 12, 1994

Time: 4:08 P.M.

Act No. 94-367

H. 606 – Reps. Penry, Clark (J), Harper

AN ACT

To amend Sections 9-17-25 and 40-20-2 of the Code of Alabama 1975, so as to clarify an exemption for natural gas lawfully injected into the earth or lawfully vented or flared in connection with the production of oil and to provide an exemption

for natural gas lawfully vented or flared in connection with the production of gas from the Conservation and Production Tax and the Privilege Tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-17-25 and 40-20-2 of the Code of Alabama 1975, are amended to read as follows:

“§9-17-25.

“For the purpose of defraying the expenses connected with the administration and enforcement of this article, including the expense of the inspections, tests, analyses and all other expenses connected with the supervision and protection of crude petroleum oil and natural gas in the state of Alabama, there is hereby levied on the producer a tax equal in amount to two percent of the gross value, at the point of production, of the crude petroleum oil or natural gas produced for sale, transport, storage, profit or for use from any well or wells in the state of Alabama. Provided, however, that natural gas lawfully injected into oil or gas pools or reservoirs in the soil or beneath the soil or waters of the state of Alabama is exempt from this tax. Provided, further, that natural gas lawfully injected into the earth for the purpose of lifting oil or gas in the state of Alabama is exempt from this tax. However, if any gas so injected into the earth is sold for such purposes or injected into underground storage facilities as defined in Code of Alabama 1975, as amended, Section 9-17-150 et seq., then the gas so sold or injected shall not be exempt from this tax. Natural gas lawfully vented or flared in connection with the production, treatment, or processing of oil or gas is exempt from the tax. The tax shall be paid to the department of revenue directly by the purchaser when authorized in writing by the producer, and, when so paid, the producer or person in charge of production shall be relieved of any further liability.”

“§40-20-2.

“(a)(1) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of eight percent of the gross value of said oil or gas at the point of production except as provided in subsequent subdivisions of this subsection.

“(2) Effective May 1, 1985, and thereafter, the incremental oil or gas production produced during a given year resulting from a qualified enhanced recovery project shall be taxed at the rate of four percent of gross value at the point of production of said incremental

oil or gas production. The state oil and gas board of Alabama shall approve the qualified enhanced recovery project and the determination of the projected annual oil or gas production that could have otherwise been produced without the benefit of the initiation of said qualified enhanced recovery project at a hearing held pursuant to section 9-17-7, as amended, and shall notify the Alabama department of revenue thereof.

"(3) All wells producing 25 barrels or less of oil per day or producing 200,000 cubic feet or less of gas per day shall be taxed at the rate of four percent of gross value of said oil or gas at the point of production.

"(4) All oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six percent of the gross value of said oil and gas at the point of production for a period of five years from the date production begins from said discovery and development wells, provided, that all production to receive a six percent tax rate, which is produced from discovery wells, must be from discovery wells permitted by the state oil and gas board of Alabama after July 1, 1984, and that all production to receive a six percent tax rate from development wells on which drilling commenced within the required time of completion of a discovery well, which was permitted after July 1, 1984, and said development well must also have been permitted after July 1, 1984; provided however, that the six percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six percent five-year, tax rate period for only the remainder of the said tax rate period.

"(5) All oil or gas produced by offshore production, as defined herein, at depths greater than 18,000 feet below mean sea level, shall be taxed at the rate of six percent of the gross value of said oil or gas production at the point of production.

"(6) Any well which begins commercial production of occluded natural gas from coal seams after June 7, 1984, shall be taxed at the rate of two percent of the gross value of said occluded natural gas from coal seams at the point of production for a period of five years after such well begins production.

"(7) For any well for which the initial permit issued by the oil and gas board is dated on or after July 1, 1988, except a replacement well for a well for which the initial permit issued by the oil and

gas board is dated before July 1, 1988, the rates provided in subdivisions (1) and (5) of this subsection shall be reduced by 2 percent.

“(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition. Provided, however, that natural gas lawfully injected into oil or gas pools or reservoirs in the soil or beneath the soil or waters of the state of Alabama is exempt from this tax. Provided, further, that natural gas lawfully injected into the earth for the purpose of lifting oil or gas in the state of Alabama is exempt from this tax. However, if any gas so injected into the earth is sold for such purposes or injected into underground storage facilities as defined in Code of Alabama 1975, as amended, Section 9-17-150 et seq., then the gas so sold or injected shall not be exempt from this tax. Natural gas lawfully vented or flared in connection with the production, treatment, or processing of oil or gas is exempt from this tax.

“(c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax levied upon production other than offshore production as defined in section 40-20-1 under the provisions of this article. Said limitation herein imposed upon counties, cities, towns and municipalities shall remain in full force and effect in regard to offshore production as defined in section 40-20-1.

“(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Provided, however, no such taxes or licenses shall be levied on offshore drilling or production facilities as defined in section 40-20-1.

“(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any.”

Section 2. This act shall become effective the first day of the second month upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:10 P.M.

Act No. 94-368

S. 428 – Senator Campbell

AN ACT

Relating to Morgan County; to amend Section 1 of Act No. 87-257, H. 183, 1987 Regular Session, (Acts 1987, p. 360), relating to the process of service and its methods by the county and collection of fees as provided by law by the sheriff or the deputy sheriff, by providing that the sheriff or the deputy sheriff shall personally serve subpoenas.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 87-257, H. 183, 1987 Regular Session, (Acts 1987, p. 360), relating to Morgan County, is amended to read as follows:

“Section 1. (a) In the courts of Morgan County, subpoenas requiring the attendance of witnesses in any civil, criminal, or other case or proceeding, or before the grand jury, may be served by the sheriff or by the deputy sheriff or by leaving a copy thereof

at the place of residence of the witness or in the discretion of the sheriff or by the deputy sheriff, the sheriff or deputy sheriff may serve the same by placing a copy thereof in the United States mail, enclosing the subpoena in an envelop properly stamped and addressed to the person or witness to be served. Upon service by the sheriff or the deputy sheriff, upon any witness or person by any one of the foregoing methods, the sheriff or deputy sheriff shall immediately mark the process executed in the manner so served. If the subpoena so mailed is not delivered to the addressee but is returned to the sheriff or the deputy sheriff by the United States post office department, then the sheriff or the deputy sheriff shall immediately make a diligent effort to serve the subpoena personally or by leaving a copy at the place of residence of the witness.

“(b) Anything to the contrary notwithstanding in subsection (a) above, any judge of any of the courts of Morgan County having jurisdiction of the proceeding or case may, on motion of any party or on motion of the court, order any particular subpoena or the subpoenas in any case or proceeding to be served personally or by leaving a copy at the place of residence of the witness or person or by United States mail.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:15 P.M.

Act No. 94-369

S. 410 – Senators Dial, Barron, Mitchem,
and Owens

AN ACT

To amend Sections 22-21-260 and 22-21-263 of the Code of Alabama 1975, relating to new institutional health services required to be reviewed by the State Health Planning and Development Agency prior to being offered or developed, to further provide for the threshold of expenditures by a health care facility or health maintenance organization included as a new institutional health service and subject to review.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 22-21-260 and 22-21-263 of the Code of Alabama 1975, as amended, are amended to read as follows:

“§22-21-260.

"As used in this article, the following words and terms, and the plurals thereof, shall have the meanings ascribed to them in this section, unless otherwise required by their respective context:

"(1) **ACQUISITION.** Obtaining the legal equitable title to a freehold or leasehold estate or otherwise obtaining the substantial benefit of such titles or estates, whether by purchase, lease, loan or suffrage, gift, devise, legacy, settlement of a trust or means whatever, and shall include any act of acquisition. The term 'acquisition' shall not mean or include any conveyance, or creation of any lien or security interest by mortgage, deed of trust, security agreement, or similar financing instrument, nor shall it mean or include any transfer of title or rights as a result of the foreclosure, or conveyance or transfer in lieu of the foreclosure, of any such mortgage, deed of trust, security agreement, or similar financing instrument, nor shall it mean or include any gift, devise, legacy, settlement of trust, or other transfer of the legal or equitable title of an interest specified herein above by a natural person to any member of such person's immediate family. For the purposes of this section 'immediate family' shall mean the spouse of the grantor or transferor and any other person related to the grantor or transferor to the fourth degree of kindred as such degrees are computed according to law.

"(2) **APPLICANT.** Any person, as defined in this section, who files an application for a certificate of need.

"(3) **CAPITAL EXPENDITURE.** An expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the healthcare facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which satisfies any of the following:

"a. Exceeds one million five hundred thousand dollars (\$1,500,000) for major medical equipment except for magnetic resonance imaging equipment only, which shall be reviewable regardless of the expenditure; eight hundred thousand dollars (\$800,000) for new annual operating costs indexed for inflation; three million two hundred thousand dollars (\$3,200,000) for any other capital expenditure.

"b. Changes the bed capacity of the facility with respect to which such expenditure is made.

"c. Substantially changes the health services of the facility with respect to which such expenditure is made.

"(4) **CONSTRUCTION.** Actual commencement, with bona fide intention of completing the construction, or completion of the

construction, erection, remodeling, relocation, excavation, or fabrication of any real property constituting a facility under this article, and the term 'construct' shall mean and include any act of construction. 'Ground breaking ceremony,' 'receipt of bids,' 'receipt of quotation,' or similar action that will permit unilateral termination without penalty shall not be considered 'construction.'

"(5) FIRM COMMITMENT or OBLIGATION. Any of the following:

"a. Any executed, enforceable, unconditional written agreement or contract not subject to unilateral cancellation for the acquisition or construction of a health care facility or purchase of equipment therefor.

"b. Actual construction of facilities peculiarly adapted to the furnishing of one or more particular services and with the bona fide intention of furnishing such service or services.

"c. Any executed, unconditional written agreement not subject to unilateral cancellation for the bona fide purpose of furnishing one or more services.

"(6) HEALTH CARE FACILITY. General and specialized hospitals, including tuberculosis, psychiatric, long-term care, and other types of hospitals, and related facilities such as, laboratories, outpatient clinics, and central service facilities operated in connection with hospitals; skilled nursing facilities; intermediate care facilities; skilled or intermediate care units operated in veterans' nursing homes and veterans' homes, owned or operated by the State Department of Veterans Affairs, as these terms are described in Chapter 5A (commencing with Section 31-5A-1) of Title 31, rehabilitation centers; public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including free-standing hemodialysis units, community mental health centers and related facilities; alcohol and drug abuse facilities; facilities for the developmentally disabled; and home health agencies and health maintenance organizations. The term 'health care facility' shall not include the offices of private physicians or dentists, whether for individual or group practices and regardless of ownership, or Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts, or a veterans' nursing home or veterans' home owned or operated by the State Department of Veterans Affairs, not to exceed 150 beds to be built in Bay Minette, Alabama, and a veterans' nursing home or veterans' home owned or operated by the State Department of Veterans' Affairs not to exceed 150 beds to be built in Huntsville, Alabama, for which applications for federal funds under federal law are being considered by the U.S. Department of Veterans Affairs prior to March 18, 1993.

"(7) **HEALTH SERVICE AREA.** A geographical area designated by the Governor, as being appropriate for effective planning and development of health services.

"(8) **HEALTH SERVICES.** Clinically related (i.e., diagnostic, curative, or rehabilitative) services, including alcohol, drug abuse, and mental health services customarily furnished on either an in-patient or out-patient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state.

"(9) **INSTITUTIONAL HEALTH SERVICES.** Health services provided in or through health care facilities or health maintenance organizations, including the entities in or through which such services are provided.

"(10) **MODERNIZATION.** The alteration, repair, remodeling, replacement, and renovation of existing buildings, including initial equipment thereof, and the replacement of equipment of existing buildings.

"(11) **PERSON.** Any person, firm, partnership, association, joint venture, or corporation, the State of Alabama and its political subdivisions or parts thereof, and any agencies or instrumentalities and any combination of persons herein specified, but 'person' shall not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the regulations established by this article.

"(12) **RURAL HEALTH CARE PROVIDER/APPLICANT/HOSPITAL.** A provider or applicant or hospital which is designated by the United States Government Healthcare Financing Administration as rural.

"(13) **STATE HEALTH PLAN.** A comprehensive plan which is prepared triennially and reviewed at least annually and revised as necessary by the statewide health coordinating council, with the assistance of the State Health Planning and Development Agency, and approved by the Governor.

"The state health plan shall provide for the development of health programs and resources to assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable costs, for all residents of the state. Nothing in this section should be construed as permitting expenditures for facilities, services, or equipment which are inconsistent with the state health plan.

"(14) **STATE HEALTH PLANNING AND DEVELOPMENT AGENCY (SHPDA).** An agency of the State of Alabama which is

designated by the Governor as the sole State Health Planning and Development Agency, which shall consist of three consumers, three providers, and three representatives of the Governor who all shall serve staggered terms and all be appointed by the Governor. Where used in this article, the terms, 'state agency,' and the 'SHPDA,' shall be synonymous and may be used interchangeably.

"(15) STATEWIDE HEALTH COORDINATING COUNCIL. A council, appointed by the Governor, established pursuant to the provisions of Title XV, Section 1524, of the Public Health Service Act (42 USC 300m-3) and Sections 22-4-7 and 22-4-8 to advise the State Health Planning and Development Agency on matters relating to health planning and resource development and to perform such other functions as may be delegated to it.

"(16) TO OFFER. When used in connection with health services, a health care facility or health maintenance organization that holds itself out as capable of providing, or as having the means for the provision of, specified health services."

"§22-21-263.

"(a) All new institutional health services which are subject to this article and which are proposed to be offered or developed within the state shall be subject to review under this article. No institutional health services which are subject to this article shall be permitted which are inconsistent with the state health plan. For the purposes of this article, 'new institutional health services' shall include any of the following:

"(1) The construction, development, acquisition through lease or purchase, or other establishment of a new health care facility or health maintenance organization.

"(2) Any expenditure by or on behalf of a health care facility or health maintenance organization which, under generally accepted accounting principles consistently applied, is a capital expenditure in excess of one million five hundred thousand dollars (\$1,500,000) for major medical equipment except for magnetic resonance imaging equipment only, which shall be reviewable regardless of the expenditure; in excess of eight hundred thousand dollars (\$800,000) for new annual operating costs indexed for inflation; in excess of three million two hundred thousand dollars (\$3,200,000) for any other capital expenditure by or on behalf of a health care facility or a health maintenance organization.

"(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition of new beds, the relocation of one or more beds from one physical facility to another, or reallocation among services of existing beds through the conversion of one or more beds from one category to

another within the following bed categories: general medical surgical, inpatient psychiatric, inpatient/residential alcohol and drug abuse or inpatient rehabilitation beds, or long-term care beds including skilled nursing care, intermediate care, transitional care, and swing beds. Notwithstanding any provision of this subdivision to the contrary, any health care facility or health maintenance organization in which at least 65 percent of the beds are dedicated or used exclusively for acute care services, general medical surgical, or nonspecialized services may reallocate existing beds within the following specialized bed categories: inpatient psychiatric, inpatient/residential alcohol and drug rehabilitation beds, to acute care services, or general medical surgical beds without first obtaining a certificate of need from the SHPDA.

“(4) Health services proposed to be offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis in or through such health care facility or health maintenance organization within the 12 month period prior to the time such services would be offered. Health services, other than those health services involving long-term care services, including without limitation, skilled and intermediate nursing home care, swing beds services, or transitional care services, provided directly by acute care hospitals classified as rural by the U.S. Bureau of Census/Office of Management and Budget, United States Government Health Care Financing Administration or acute care hospitals with less than 105 beds that are located over 20 miles from the nearest acute health care facility located within Alabama shall not be subject to this subdivision but shall be subject to the other subdivisions of this subsection. Provided, however, that the exemption from this subdivision herein established shall not apply to home health services provided outside of the county in which the hospital is located.

“(b) The four conditions of ‘new institutional health services’ listed in this section shall be mutually exclusive.

“(c) Notwithstanding all other provisions of this article to the contrary, those facilities and distinct units operated by the Department of Mental Health and Mental Retardation and those facilities and distinct units operating under contract or subcontract with the Department of Mental Health and Mental Retardation where the contract constitutes the primary source of income to the facility shall not be subject to review under this article.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:16 P.M.

Act No. 94-370

S. 559 – Senators Barron, Waggoner, deGraffenried, Hale, Windom, Dial, Bolling, Horn, Mitchem, Owens, Foshee, Campbell, Little, Bedsole, Underwood, Lipscomb, Smith (J), Ellis, and Smith (B)

AN ACT

To amend Section 41-10-44.4 as added to the Code of Alabama 1975 by Act 93-851 of the 1993 Special Session, to provide further for criteria used by the State Industrial Development Authority to determine an approved company or project.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-10-44.4 as added to the Code of Alabama 1975 by Act 93-851 of the 1993 Special Session, is amended to read as follows:

“§41-10-44.4.

“The authority shall promulgate criteria for the determination and selection of approved companies and the approval of projects proposed by such companies. Such criteria shall give greatest weight to the creditworthiness of the project sponsors, the number, type and quality of new jobs to be provided by the project to residents of the state, and the economic viability of the proposed project. The authority may include in its criteria requirements relating to the capital costs of, and projected employment to be produced by, projects eligible for financing under this article and requirements relating to the employment of previously unemployed or underemployed persons. ~~The authority shall require as a condition~~ for designation as an approved company either (i) that the average hourly wage for full-time hourly wage paid employees at the project be at least eight dollars (\$8) per hour, or (ii) that the average total compensation (including benefits) for full-time paid employees at the project be at least equivalent to ten dollars (\$10) per hour. Notwithstanding the foregoing, the State Industrial Development Authority may allow up to a 10 percent variance from the aforementioned wage requirements for employees when determining and selecting an approved company or project producing or processing agricultural products if the authority expects that the company or project will have a significant economic impact on the area in which it will be located. Provided however, such a variance may not be allowed if the effect of the action of the authority will result in a decrease in state employment. With respect to each applicant for financing under this article, and with

respect to the project described in its application, the authority shall request such materials and make such inquiries as are necessary to determine whether the applicant and its proposed project satisfy the authority's announced criteria and to conduct an adequate cost/benefit analysis with respect to the proposed project and the incentives proposed to be granted by the authority with respect thereto. After a diligent review of the relevant materials and completion of its inquiries and analysis, the authority may by resolution of its board of directors designate an applicant as an approved company and authorize the undertaking of its project."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:17 P.M.

Act No. 94-371

S. 608 – Senator Sanders

AN ACT

Relating to Perry County; to amend Section 2 of Act No. 87-340, H. 757, 1987 Regular Session (Acts 1987, p. 496), which provides for the terms and election of the members of the Perry County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 87-340, H. 757, 1987 Regular Session (Acts 1987, p. 496), is amended to read as follows:

"Section 2. (a) The Perry County Commission and the Perry County Board of Education shall consist of five members each who shall be residents of that district. One member shall be elected from each of the five districts for that body by the electors residing within the district. Each member of the county commission shall reside in the district he or she represents during his or her term of office. Each body shall select its chair from among its membership. The salary of the current probate judge shall not be reduced as a result of this act. The terms of the board of education members shall be staggered so that at the initial election of all members, the member from District 5 will be elected for two years; the members from Districts 3 and 4 will be elected for four years; and the members from Districts 1 and 2 will be elected for six years. Thereafter, all members will be elected for six-year terms. The terms of the commission members shall be staggered so that at the general

election in 1994, the members of the commission who are up for election will serve for six years. Thereafter all members will be elected for six-year terms.

“(b) If there is a special election pursuant to this act, then the board of education member elected from District 5 will be elected for a term to expire at the general election in 1988; board members elected from Districts 3 and 4 will be elected for a term to expire at the general election in 1990; and board members elected from Districts 1 and 2 will be elected for a term to expire at the general election in 1992. Thereafter, all elections will be for a term of six years according to the general laws of Alabama. If there is a special election pursuant to this act, then the commission members elected from Districts 4 and 5 will be elected for a term to expire the first Monday after the second Tuesday in January 1989, and commission members elected from Districts 1, 2 and 3 will be elected for a term to expire the first Monday after the second Tuesday in January 1991. Thereafter, all commission members will be elected for four-year terms according to the general law of Alabama.

“(c) Notwithstanding the provisions of subsection (b), all commission members elected after the effective date of the act adding this subsection shall serve for six years.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:18 P.M.

Act No. 94-372

S.J.R. 109 – Senators Lindsey and Bedsole

SENATE JOINT RESOLUTION

COMMEMORATING MID-CONTINENT OIL AND GAS ASSOCIATION'S 50 YEARS OF SERVICE TO THE OIL AND GAS INDUSTRY.

WHEREAS, the Mid-Continent Oil and Gas Association, Mississippi/Alabama Division, is celebrating its 50th Anniversary of service to the oil and gas industry; and

WHEREAS, the Association was founded in October 1944 by a group of pioneers who recognized the potential of Alabama and Mississippi to become major oil and gas producing areas, as Mid-Continent was actually founded the same year as the first

commercial discovery of oil at Gilberttown in Choctaw County, Alabama; and

WHEREAS, the Association has provided noteworthy contributions to Alabama's oil and gas laws and industry regulations of mutual interest to the State of Alabama and the industry at large; and

WHEREAS, Mid-Continent has worked consistently with the State Legislatures, administrations and regulatory officials to ensure sound and responsible development of petroleum resources in Alabama for a period of 50 years, during which time the state has become a leading oil and gas producing area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we acknowledge with great appreciation the service and leadership provided by Mid-Continent Oil and Gas Association to the oil and gas industry and to the State of Alabama.

BE IT FURTHER RESOLVED, That the Legislature of Alabama joins the members of the Mid-Continent Oil and Gas Association in commemorating its 50th Anniversary; we also commend the Association for its immeasurable contribution to the state's economy, and direct that the Association be provided with a copy of this commemorative resolution in honor of and in gratitude for its 50 years of service to the oil and gas industry in Alabama.

Approved April 12, 1994

Time: 4:19 P.M.

Act No. 94-373

S.J.R. 111 – Senator Bedsole

SENATE JOINT RESOLUTION

COMMENDING RESOURCE MANAGEMENT SERVICE, INC.

WHEREAS, quality education for all Alabama school children represents our hope for the future; and

WHEREAS, the business community of Alabama is a partner with parents and government in developing to their fullest potential this most precious of our resources; and

WHEREAS, Resource Management Service, Inc., a forestry consulting firm in Birmingham, Alabama, is representative of progressive small businesses throughout Alabama; and

WHEREAS, Resource Management Service, Inc., on March 1, 1994, expressed its support of Alabama's public schools, its teachers and children, by donating computer equipment valued at approximately \$25,000 to Prattville High School in Autauga County, Alabama; and

WHEREAS, other Alabama businesses, in addition to Resource Management Service, Inc., have also furnished similar support by donating equipment that was no longer useful for their purposes, but has greatly benefitted our schools and students; and

WHEREAS, the Legislature and the recipients of such generosity are deeply grateful to the Alabama business community, and are hopeful that other Alabama businesses will join in partnership with parents and government in this commendable investment in Alabama's young students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Resource Management Service, Inc., its employees and management, are hereby highly commended for their tangible and generous support of Alabama's school children.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the founders of Resource Management Service, Inc., Messrs. John M. Bradley, Jr. and Harry E. Murphy, and to company president, Mr. Edward H. Givhan, Jr.

Approved April 12, 1994

Time: 4:20 P.M.

Act No. 94-374

S.J.R. 112 – Senators Bedsole and Windom

SENATE JOINT RESOLUTION

DIRECTING THE DEPARTMENT OF TRANSPORTATION TO UTILIZE SUITABLE MATERIALS FROM THE TENSAW RIVER BRIDGE PROJECT FOR ARTIFICIAL REEFS.

WHEREAS, the Legislature of Alabama notes with approval the construction of a replacement bridge over the Tensaw River on Battleship Parkway, action which will improve the infrastructure of this state, increase safety and convenience, and aid commerce and tourism; and

WHEREAS, the replacement of the bridge affords additional opportunities to improve the commerce and tourism of this state; suitable material salvaged from the old bridge and the construction

project can be used to create one or more artificial reefs which will provide ideal habitat for fish and will attract fishermen and scuba divers to the area, resulting in increased tourism and commerce; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Transportation is directed to utilize all suitable materials, as determined by the Division of Marine Resources of the Department of Conservation and Natural Resources, salvaged from the project replacing the bridge over the Tensaw River on Battleship Parkway for artificial reefs to provide fish habitat and scuba diving opportunities in areas designated as appropriate for artificial reefs by the United States Army Corps of Engineers. The department is further directed to coordinate the placement of these materials with the Marine Resources Division of the Department of Conservation and Natural Resources.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the Department of Transportation and the Marine Resources Division of the Department of Conservation and Natural Resources so they will be apprised of the wishes of the Legislature in regard to this matter.

Approved April 12, 1994

Time: 4:21 P.M.

Act No. 94-375

S.J.R. 113 – Senator Waggoner

SENATE JOINT RESOLUTION

DESIGNATING APRIL AS NATIONAL OCCUPATIONAL THERAPY MONTH, IN THE STATE OF ALABAMA.

WHEREAS, four hundred forty-nine occupational therapists and 197 occupational therapy assistants, working in the schools, rehabilitation centers, hospitals, and nursing homes of our state are aiding Alabamians with disabilities in developing the functional skills necessary for productive and satisfying lives; and

WHEREAS, members of the occupational therapy profession are key contributors to improving the daily lives of infants with birth defects, children with learning disabilities, workers injured on the job, and families dealing with the problems of aging; and

WHEREAS, the American Occupational Therapy Association has designated April 1994 as National Occupational Therapy

Month to honor occupational therapists and occupational therapy assistants throughout the United States; and

WHEREAS, to better inform our people of the occupational therapy services from which they might benefit, and of the opportunities they may find for a rewarding and satisfying career in occupational therapy, the Alabama Occupational Therapy Association has designated the month of April as Occupational Therapy Month; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the month of April is designated as "National Occupational Therapy Month" in Alabama and that copies of this resolution be forwarded to the Alabama Occupational Therapy Association.

Approved April 12, 1994

Time: 4:22 P.M.

Act No. 94-376

S.J.R. 114 – Senator Wilson

SENATE JOINT RESOLUTION

HONORING MRS. WILLIE MAE GRIFFIN OF SUMITON, ALABAMA, UPON HER RETIREMENT.

WHEREAS, it is with heartiest congratulations and commendation that the State of Alabama notes the retirement of Mrs. Willie Mae Griffin of Sumiton, Alabama; and

WHEREAS, Mrs. Griffin will be retiring on April 1, 1994, as a treasured employee of the City of Sumiton, where for the last 35 years she has served as City Clerk; and

WHEREAS, in 1959, she began her career as Town Clerk in the one room town hall building in Sumiton and upon completion of the new City Hall in 1971, she was instrumental in setting up municipal offices in the facility; and

WHEREAS, Mrs. Griffin, over the years, has immeasurably contributed her energies, time, and many talents to numerous social, civic, religious, charitable, professional, and humanitarian endeavors, including serving with the water and gas system, the CETA program, where she issued surplus commodities, assisting in the Walker Food Bank Program, coordinating the expansion of the City Library, which is the second largest in Walker County, and

helping with the compilation of municipal voting lists; additionally she is presently serving as a member of the Water Works Board of the City of Sumiton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That upon the occasion of her retirement and in recognition of longtime and outstanding service, we most highly commend Mrs. Willie Mae Griffin, for whom a copy of this resolution shall be presented as evidence of our deep appreciation and with sincere best wishes for every future happiness and success.

Approved April 12, 1994

Time: 4:23 P.M.

Act No. 94-377

S.J.R. 115 – Senators Figures and Windom

SENATE JOINT RESOLUTION

CONGRATULATING THE LEFLORE HIGH SCHOOL BOYS BASKETBALL TEAM.

WHEREAS, the Alabama Legislature notes with great pleasure the outstanding 1994 record of the boys basketball team at LeFlore High School of Mobile, Alabama, 24 wins and 9 losses under the outstanding coaching of Head Coach Robert Bettis and assistant coaches Riley and Stiell; and

WHEREAS, the “Rattlers” team consisting of the following members: Andre Blackmon, Derrick Gray, Ernest Gwinn, Eddie Hunter, Fredrico James, Rovertus Kimble, Steven Joseph, Joseph Marshall, Drew Miles, Jarmell Parker, Anthony Rudolph, Lamont Reed, Darrius Thornton, Eferm Tucker, and Eric White, by playing their hearts out on the court and using great skill with tenacity won second place in the Class 6A State High School Basketball Championship Tournament and kept in tact the remarkable basketball winning tradition that the City of Mobile has come to expect because of the numerous winning seasons of LeFlore High School Rattlers team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Coach Robert Bettis, the assistant coaches, the entire LeFlore High School “Rattlers” Basketball Team, managers, and scorekeepers on an outstanding 1993-1994 basketball season.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Robert Bettis and to Mr. F. A. Marshall, principal of LeFlore High School, for appropriate display.

Approved April 12, 1994

Time: 4:24 P.M.

Act No. 94-378

S.J.R. 116 – Senator Campbell

SENATE JOINT RESOLUTION

NAMING LAWRENCE COUNTY ROAD 284 THE “BERCHIE CROSS ROAD.”

WHEREAS, Miss Berchie Cross of Courtland has been a resident of Lawrence County for all of her 83 years; and

WHEREAS, she retired in 1971 after a 32-year teaching career which she began in 1939 in Lawrence County; her career included teaching assignments in Speake, Chalybeate, Wheeler, and Courtland; and

WHEREAS, Miss Berchie was instrumental in the public campaign in the early 1960s to have County Road 284 south of Courtland paved; and

WHEREAS, this six-mile stretch of road, beginning at the Courtland city limits on County Road 150, continuing until County Road 150 becomes County Road 284, and continuing 6.8 miles, is home to 30 families and two churches; and

WHEREAS, Miss Berchie, never giving up hope, saw her dream come true when County Road 284 was paved in 1968: now therefore.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Lawrence County Road 284 south of Courtland, beginning at the Courtland city limits on County Road 150, continuing until County Road 150 becomes County Road 284, and continuing 6.8 miles, is hereby designated the “Berchie Cross Road” in honor of the person who worked tirelessly for its paving.

RESOLVED FURTHER, That the proper officials are authorized to erect and maintain appropriate signs and markers for the designation of the six-mile stretch of Highway 284 named for Miss Cross.

RESOLVED FURTHER, That a copy of this resolution shall be provided for Miss Berchie Cross.

Approved April 12, 1994

Time: 4:25 P.M.

Act No. 94-379

S.J.R. 117 – Senator Little

SENATE JOINT RESOLUTION

EXPRESSING APPRECIATION TO COACH TOMMY JOE EAGLES.

WHEREAS, the Legislature of Alabama recognizes the significant contributions of Coach Tommy Joe Eagles to Auburn University; his dedication and work ethic were constant, commendable, and inspiring; and

WHEREAS, Coach Eagles, who exhibited class both on and off the basketball court, presented a positive attitude that could be embraced by all Auburn supporters; and

WHEREAS, Coach Eagles' tenure at Auburn University was beneficial to the school and its students; the best measure being the love, loyalty and support of his players; and

WHEREAS, this body realizes the sacrifices made by Tommy Joe Eagles and his family on behalf of Auburn University and is truly grateful for his association with the university; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express sincere appreciation to Coach Tommy Joe Eagles for his service on behalf of Auburn University and the State of Alabama and express best wishes to him in his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coach Eagles so that he may know of our sentiments.

Approved April 12, 1994

Time: 4:26 P.M.

Act No. 94-380

H. 629 – Rep. Laird

AN ACT

Relating to Randolph County; to authorize the board of health to designate the clinical services rendered for which a reasonable fee may be charged and to set the appropriate fee for each service.

Be It Enacted by the Legislature of Alabama:

Section 1. The Randolph County Board of Health shall designate the services rendered at clinics by the County Health

Department for which a fee may be charged and shall set the fee to be charged for each service. Any fees to be charged pursuant to this act shall be subject to approval by the Randolph County Commission prior to implementation. The County Health Department may charge and collect the fees authorized by this act. All fees so collected are hereby appropriated to the County Health Department.

Section 2. No person shall be denied any service because of inability to pay the fees authorized by this act. The County Board of Health may establish a sliding fee scale based upon a person's ability to pay.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:27 P.M.

Act No. 94-381

H. 680 – Rep. Layson

AN ACT

Relating to Pickens County; authorizing the county commission to maintain driveways for schools, churches, church-owned cemeteries, and school bus turnarounds located within the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Pickens County Commission may maintain driveways for schools, churches, church-owned cemeteries, and school bus turnarounds located within the county, at county expense.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:28 P.M.

Act No. 94-382

H. 632 – Rep. Hall (A)

AN ACT

Relating to Jackson County, providing that the judge of probate shall not receive compensation for publishing a list of qualified electors.

Be It Enacted by the Legislature of Alabama:

Section 1. In Jackson County, effective at the beginning of the next term of office, the judge of probate shall receive no compensation or fees for publishing the list of qualified electors in the county pursuant to Section 17-4-129, Code of Alabama 1975.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:29 P.M.

Act No. 94-383

H. 725 – Rep. Powell

AN ACT

To amend Act No. 217, H. 649, 1959 Regular Session (Acts 1959, p. 756), relating to the compensation of the coroner of Autauga County, to further provide for the compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 217, H. 649, 1959 Regular Session (Acts 1959, p. 756), is amended to read as follows:

“Section 1. Effective for the next term of office, the Coroner of Autauga County shall receive compensation in the amount of two hundred fifty dollars (\$250) per month payable from the general fund of the county in the manner provided by law.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time 4:30 P.M.

Act No. 94-384

H. 760 – Rep. Laird

AN ACT

Providing for the District Attorney's Fund for the 40th Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney for the 40th Judicial Circuit shall maintain and keep a special fund known as the

District Attorney's Fund. Any funds on deposit in the treasuries of the counties in the circuit that generally would be designated for appropriation to the District Attorney's Fund shall be transferred to the Office of the District Attorney to be deposited and maintained in the District Attorney's Fund.

Section 2. All fees taxed as costs and collected in all criminal cases heretofore paid to the respective county treasuries in the circuit for the District Attorney's Fund shall be paid directly to the district attorney for deposit into the District Attorney's Fund. All other fees collected by the district attorney including but not limited to fees collected by the Worthless Check Unit and fees collected by forfeiture shall also be deposited in this fund.

Section 3. The district attorney shall make expenditures from the District Attorney's Fund for expenses incurred in performing the duties of his or her office.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:31 P.M.

Act No. 94-385

H. 779 – Rep. Carter

AN ACT

Relating to Limestone County, authorizing the sheriff to operate a jail store and contract telephone installation for inmates, providing for the deposit of monies earned; and providing for the distribution and auditing of monies earned.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Limestone County is hereby authorized to operate a jail store and contract telephone installation for inmates within the confines of the county jail. Said jail store and inmate telephones shall be operated to serve the needs of the county jail population.

Section 2. Any and all monies collected under Section 1 of this act shall be deposited by the Sheriff of Limestone County or

his appointed agent in any bank located in Limestone County selected by the sheriff into a fund known as the Sheriff's Jail Fund.

Section 3. The Sheriff's Jail Fund as provided in Section 2 of this act shall be drawn upon by the Sheriff of Limestone County or his appointed agent and shall be used exclusively for law enforcement purposes in the public's interest in the discharge of the sheriff's office as the sheriff sees fit.

Section 4. Any and all monies collected as outlined in Section 1 of this act prior to the effective date of this act shall be transferred into the Sheriff's Jail Fund created by this act.

Section 5. The establishment of the Sheriff's Jail Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other source of income established for the sheriff or the operation of his office.

Section 6. The State Examiners of Public Accounts is hereby authorized to audit said monies annually and submit a copy of said audit to the sheriff within 30 days of its completion.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:32 P.M.

Act No. 94-386

H. 841 – Reps. Black (M), Goodwin

AN ACT

Relating to Colbert County; to provide for a day reporting fee for persons who receive suspended sentences as the result of conviction of a felony or misdemeanor in the circuit or district court of Colbert County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be applicable only in Colbert County.

Section 2. Any person who has been committed to the county jail in Colbert County under a criminal sentence imposed by the circuit or district court of Colbert County, and who has been released on a suspended sentence shall report to the probation office of Colbert County. The probation officer at his or her discretion shall require the person to report at regular intervals, for the sole purpose of the collection of court costs, fines, and other penalties and fees assessed against the convicted person by the probation officer.

Section 3. The probation officers of Colbert County, Alabama, shall remit fines, assessments, court costs, and restitution assessed against the persons to the Colbert County Circuit Clerk. The probation officers shall be allowed to charge the convicted persons a day reporting fee of 20 percent of the net weekly income of the person and may charge a minimum of ten dollars (\$10) per reporting for the service. For the purposes of this act, the term "net income" shall be defined as total salaries, wages, and other compensation received by a person committed to a jail in Colbert County for work performed while the person is serving a suspended sentence, less all sums withheld for federal income tax, state income tax, taxes paid by an employee under the Federal Insurance Contributions Act, group insurance, and union dues. The court having jurisdiction of the case, as a condition to releasing a prisoner may require that the prisoner establish a payroll deduction for the payment of any sums due pursuant to this act.

Section 4. (a) The day reporting fee shall be distributed by the probation officers as follows:

(1) One-half of the fee to the probation officer of Colbert County. The fees distributed to the probation office shall be deposited to a separate fund to be known as "The Colbert County Probation Officers Criminal Justice Fund."

(2) One-half of the fees shall be distributed to the Presiding Judge of the Colbert County Circuit Court. The fees distributed to the presiding judge shall be deposited to a separate fund to be known as the "Judges' Work Release and Criminal Justice Fund."

The funds shall be used by probation officers and judges for education, travel, equipment, and other expenses incurred by them in the exercise of their duties and for the improvement in the criminal justice system.

(b) Any person who has been ordered to attend a day reporting system by the appropriate judge, and who fails to abide by the order and fails to report pursuant to the court order shall be considered in violation of the suspended sentence, and shall be subject to having the suspended sentence revoked by the court upon application to the

court by the probation officer. Further, nothing in this act shall interfere with or prevent the exercise by any court of Alabama of its power to punish for contempt.

Section 4. The procedures described in this act shall be cumulative and in addition to all other bail and release procedures provided by law.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:33 P.M.

Act No. 94-387

H. 741 – Rep. Harvey

AN ACT

Relating to Blount County; to provide for the regulation of certain blasting by the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds and declares that the regulation of the detonation of explosives for industrial purposes is not currently regulated and that it is in the interest of the health and safety of the citizens of Blount County for the Blount County Commission to regulate the detonation of explosives for industrial purposes.

Section 2. Any law to the contrary notwithstanding, the Blount County Commission may adopt, amend, repeal, and enforce reasonable rules and regulations governing the detonation of explosives for industrial purposes. Industrial purposes shall include but shall not be limited to the detonation of explosives for the hardening of metal.

Section 3. The rules and regulations of the county commission shall include a provision for the licensing of persons who detonate explosives for industrial purposes and use permits for the detonation of explosives for commercial purposes.

Section 4. The Blount County Commission is hereby empowered to require all licensed applicants to post a bond, in an amount to be approved by the commission, so as to insure that adequate compensation is available in case of injury or damage to any citizen or legal entity of Blount County, as a result of said blasting operation.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:34 P.M.

Act No. 94-388

H. 551 – Rep. Holley

AN ACT

Relating to Coffee County; providing for the fee for the issuance of pistol permits; providing for the deposit of distribution of the funds; and repealing Act No. 79-530, H. 877 of the 1979 Regular Session (Acts 1979, p. 951).

Be It Enacted by the Legislature of Alabama:

Section 1. In Coffee County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be twenty dollars (\$20), which shall be collected by the sheriff or his or her appointed agent.

Section 2. (a) All fees collected under this act shall be deposited by the Sheriff of Coffee County or his or her appointed agent in the county treasury.

(b) The treasurer or other custodian of the county funds shall pay twelve dollars (\$12) of each fee into a fund designated as the "Sheriff's Fund".

(c) The treasurer or other custodian of the county funds shall pay eight dollars (\$8) of each fee into the general fund of Coffee County.

Section 3. Any and all monies on the effective day of this act in the current Sheriff's Fund shall be transferred into the Sheriff's Fund created by this act.

Section 4. The Sheriff's Fund established in Section 2 of this act shall be drawn upon by the Sheriff of Coffee County or his or her appointed agent and shall be used exclusively for law enforcement purposes in the public interest and in the discharge of the sheriff's office as the sheriff sees fit.

Section 5. The establishment of the Sheriff's Fund by and the use of the funds pursuant to this act shall not diminish or take the place of any other source of income established for the sheriff or funds for the operation of the office of sheriff.

Section 6. All laws or parts of laws in conflict with this act are repealed and specifically Act No. 79-530, H. 877 of the 1979 Regular Session (Acts 1979, p. 951).

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:35 P.M.

Act No. 94-389

H. 553 – Rep. Holley

AN ACT

Relating to Coffee County; providing for the appointment of deputy coroners.

Be It Enacted by the Legislature of Alabama:

Section 1. Each coroner of Coffee County may appoint a deputy coroner to serve at the pleasure of the appointing coroner. A deputy coroner shall take the oath of office required by Section 279 of the Constitution of Alabama of 1901, shall serve under the supervision of the coroner, and shall perform the same duties and receive the same fees for services performed in the place of the coroner that the coroner would receive in performing similar services.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:36 P.M.

Act No. 94-390

H. 588 – Rep. Blakeney

AN ACT

To amend Section 1 of Act No. 243, H. 26, 1969 Regular Session (Acts 1969, p. 576), entitled "An Act To alter or rearrange the boundary lines of the City of Thomasville, Alabama, so as to include in the corporate limits of said city certain territory not now included, and to exclude from the City of Thomasville, Alabama, certain

territory now included in the corporate limits of said city," to correct a clerical error in the legal description to correspond to the legal description as originally advertised.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 243, H. 26, 1969 Regular Session (Acts 1969, p. 576), is amended to read as follows:

"Section 1. That the boundaries of the City of Thomasville, in the County of Clarke, State of Alabama, be and the same are hereby altered and rearranged so as to exclude from the corporate limits of said city all of the lands not embraced within the description hereinafter set out, and to include within the corporate limits of said city all of the lands herein set out, to-wit:

"SW1/4 and E1/2 of Section 10; all of Section 11; S1/2 of NW1/4 of Section 12; W1/2 of W1/2 of Section 13; all of Section 14; all of Section 15 lying East of the Choctaw Corner-Grove Hill Public Road. That part of the NW1/4 of NE1/4 of Section 15 described as follows: Begin at the NW corner of NE1/4 of Section 15; thence South 300 yards; thence East to the East margin of the Choctaw Corner-Grove Hill Public Road; thence Northerly along the East boundary of said road to the North boundary of said forty; thence West to point of beginning; all of Section 22 lying East of the Choctaw Corner-Grove Hill Public Road; all of Section 23; W1/2 and SE1/4 of Section 24; W1/2 and SW1/4 of SE1/4 of Section 25; all of Section 26; all of N1/2 of NE1/4 of Section 27 lying East of Choctaw Corner-Grove Hill Public Road; W1/2 and N1/2 of NE1/4 of Section 35; NW1/4 of NW1/4 of Section 36 and all of the NE1/4 of NW1/4 of Section 36 lying West of Old Highway No. 5 less and except that portion described as follows: Begin at a point on the West margin of Old Highway No. 5, which point is 440 feet South of the North line of said forty; thence West 210 feet; thence South 870 feet, more or less, to the South line of said forty; thence East 210 feet, more or less, to the West margin of Old Highway No. 5, thence Northerly along the West margin of Old Highway No. 5 870 feet, more or less, to the point of beginning. All in Township 11 North, Range 3 East, Clarke County, Alabama; and NW1/4 and N1/2 of SW1/4 of Section 2, Township 10 North, Range 3 East, Clarke County, Alabama."

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Thomasville is on file in the office of the Judge of Probate in Clarke County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:37 P.M.

Act No. 94-391

H. 614 – Rep. Freeman

AN ACT

To further provide for investigators for the District Attorney for the Twenty-third Judicial Circuit; to amend Act No. 79-810, H. 907, 1979 Special Session (Acts 1979, p. 1498), relating to investigators.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 79-810, H. 907, 1979 Special Session (Acts 1979, p. 1498), is amended to read as follows:

“Section 1. The District Attorney for the Twenty-third Judicial Circuit is hereby authorized to appoint investigators for the office.

“Section 2. Compensation of the investigators shall be set by the District Attorney.

“Section 3. The investigators for the Twenty-third Judicial Circuit shall have the same authority and powers vested in deputy sheriffs and all other peace officers of the State of Alabama and shall be responsible to the District Attorney for the Twenty-third Judicial Circuit and perform all duties assigned by the District Attorney.”

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:38 P.M.

Act No. 94-392

H. 615 – Rep. Freeman

AN ACT

Relating to the Twenty-Third Judicial Circuit of Alabama and the establishment of a pretrial intervention program by the District Attorney of the Twenty-Third Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Establishment.

(a) The District Attorney of the Twenty-Third Judicial Circuit of Alabama may in his or her discretion establish a Pre-Trial Intervention Program (hereinafter known as PTIP) set out hereinafter.

(b) The District Attorney of the Twenty-Third Judicial Circuit shall retain all discretionary powers endowed by the common law and provided for by statutes and acts of this state or powers or discretion otherwise provided by law for the District Attorney of the Twenty-Third Judicial Circuit.

(c) The hereinafter described Pre-Trial Intervention Program shall be under the direct supervision and control of the District Attorney of the Twenty-Third Judicial Circuit and he or she may contract with any agency, person(s), or corporations or individual for services related to this act or for any law enforcement purpose. The District Attorney may in his discretion employ necessary persons to accomplish the provisions of this act or other law enforcement purposes who shall serve at the pleasure of the District Attorney.

Section 2. Eligibility.

(a) Any person charged with a criminal offense whose jurisdiction is in the circuit or district court of the Twenty-Third Judicial Circuit of Alabama may apply to the District Attorney of the Twenty-Third Judicial Circuit for admittance to the Pre-Trial Intervention Program as hereinafter and heretofore set out. No persons charged with a Class A felony or a crime that involved serious injury to a person or death shall be eligible for pre-trial intervention.

(b) Any person deemed by the District Attorney to be a threat to the safety or well-being of the community shall not be eligible for the Pre-Trial Intervention Program. This section shall not apply if the District Attorney determines the elements of the offense do not fit the charges filed.

Section 3. Standards of Eligibility.

(a) Intervention shall be appropriate where:

(1) The offender is 18 years of age or older at the time the alleged offense was committed.

(2) There is a likelihood justice will be served if the offender is placed in an intervention program.

(3) It is determined the needs of the State and of the offender can be met through the Pre-Trial Intervention Program.

(4) The offender poses no substantial threat to the safety and well-being of the community.

(5) It appears the offender is not likely to be involved in further criminal activity.

(6) The offender will likely respond to rehabilitative treatment.

(b) The District Attorney may waive any of the foregoing where justice or special circumstances dictate.

Section 4. Processing Information.

(a) Prior to being admitted to the Pre-Trial Intervention Program or as a part of the District Attorney's evaluation process an applicant may be required by the District Attorney to furnish information concerning the past criminal, educational, and work record, family history, medical or psychiatric treatment or care received, psychological test taken, and other information of any type or nature of the offender which the District Attorney feels has a bearing on the decision as to whether or not the offender should be admitted to the Pre-Trial Intervention Program.

(b) The District Attorney may further require the offender to submit to any type of test or evaluation process or interview as he or she deems appropriate in evaluating the offender for admittance into the Pre-Trial Intervention Program. The costs of any test or evaluation shall be paid by the offender or as otherwise agreed to or provided for by this act.

Section 5. Agreement Required of Offender in Program.

(a) An offender who enters an intervention program shall:

(1) Waive, in writing, and contingent upon his successful completion of the program his or her right to a speedy trial.

(2) Agree, in writing to the tolling, while in the program, of periods of limitations established by statute or rules of court.

(3) Agree, in writing, to the conditions of the Intervention Program established by the District Attorney.

(4) In the event there is a victim of the crime, agree in writing to a restitution agreement within a specified period of time and in an amount to be determined by the District Attorney taking into account all circumstances of the offender and victim.

(b) Pre-Trial Intervention records or records related to Pre-Trial Intervention admission shall not be admissible in subsequent proceedings, criminal or civil and communications between Pre-Trial Intervention counselors and defendants shall be privileged unless a court of competent jurisdiction determines there is a compelling public interest that such communications be revealed.

Section 6. Time for Application.

(a) An offender must make application to the Pre-Trial Intervention Program no later than 45 days after service of the warrant or within 21 days following appointment of counsel for the charge for which the offender applies or at his or her first court appearance.

(b) In the discretion of the District Attorney, the time provision of this section may be waived.

Section 7. Fees for Application and Acceptance.

(a) An applicant to the Pre-Trial Intervention Program on each charge shall pay a non-refundable application fee of one hundred fifty dollars (\$150) for charged offenses classified by Title 13A-5-3-(C)(1)(2)(3)(d) of the Code of Alabama 1975, as amended. An application fee of two hundred fifty dollars (\$250) shall be charged pursuant to this Section for offenses classified in 13A-5-3-1(2)(3). In addition to the application fee the offender shall pay an administration and supervision fee not to exceed twenty-five dollars (\$25) per week during the time that the offender is in the Pre-Trial Intervention Program. Fees may be waived by the District Attorney or schedule of payments for any of the above mentioned fees may be established by the District Attorney. The fees heretofore set out in this Section are maximum and may in the discretion of the District Attorney be reduced because of circumstances relating to any specific offender and the financial conditions of the applicant.

Section 8. Drug and Alcohol Services.

(a) The District Attorney and the offender may enter into an agreement as a part of the Pre-Trial Intervention Program of an offender that the offender be admitted to a drug or alcohol program on an in-patient or out-patient basis or receive other treatment alternatives for substance abuse. The District Attorney may require the offender to submit to periodic or random drug testing as a part of the Pre-Trial Intervention Program of the offender and other terms and conditions related to substance abuse as the District Attorney may direct. The offender shall pay the costs of all such services unless otherwise agreed to.

Section 9. Individual Agreement Between Offender and District Attorney.

(a) In any case in which an offender is admitted into a Pre-Trial Intervention Program there shall be a written agreement between the District Attorney and the offender. The agreement shall include the terms of the Intervention Program, the length of the program and the period of time after which the District Attorney will dispose of the charges against the offender in a non-criminal manner or what charges the defendant will plead guilty to and the sentence the offender will receive. In all cases where as part of the Pre-Trial Intervention Program the offender agrees to plead guilty to a particular offense and receive a specific sentence which shall be approved by an appropriate Circuit or District Judge of the Twenty-Third Judicial Circuit prior to admission to the Pre-Trial Intervention Program.

(b) As a condition of being admitted to the Pre-Trial Intervention Program the District Attorney may require the offender to agree to any of the following terms or conditions:

(1) Attend school, including, but not limited to high school, college, job training school, trade school, or adult basic education courses.

(2) Learn to read and write.

(3) Financially support his or her children or pay child support.

(4) Refrain from the use of alcohol or drugs or frequenting places where alcohol or drugs are sold or used.

(5) Refrain from contact with certain persons or premises.

(6) Maintain or seek employment.

(7) Attend counseling (individual, group, or family).

(8) Pay restitution to victim if any due.

(9) Pay court cost and fines.

(10) Pay supervision fees and application fees pursuant to this act.

(11) Observe curfews or home detention or travel constraints as set out in the offender's agreement.

(12) Enter into an agreement with the District Attorney to have restitution, court cost, fines, fees, child support, withheld from offender's wages or salary and applied to the restitution.

The offender shall be subject to other terms or conditions as the District Attorney and the offender may agree to in the written agreement of the offender, it being the purpose of this act to allow the District Attorney broad discretion in designing a program specifically for each offender and circumstances of the offender.

Section 10. Program Administration.

All fees paid by offenders as heretofore set out shall be paid to the District Attorney of the Twenty-Third Judicial Circuit. The District Attorney shall establish a Pre-Trial Intervention Fund. The District Attorney shall use the funds to pay costs associated with the administration of the Pre-Trial Intervention Program or for other law enforcement purposes. Costs associated with program administration shall include but shall not be limited to salaries, rent, vehicles, telephones, postage, office supplies and equipment, training and travel services, service contracts, and professional services. The District Attorney in his or her discretion may pay for services or programs for an offender while offender is in the Pre-Trial Intervention Program if special circumstances and justice dictate.

Section 11. Violation of Condition.

(a) In the event the offender violates the conditions of the Pre-Trial Intervention Program agreed to in writing by the offender

and the District Attorney, the District Attorney may terminate the participation of the offender in the program and pursue criminal charges against the offender. The offender shall be given written notice of the intent of the District Attorney to terminate him or her from the Pre-Trial Intervention Program.

(b) The District Attorney in his or her discretion may waive a violation for good cause shown why the offender should stay in the Pre-Trial Intervention Program.

Section 13. The provisions of this act are severable and if any part of this act should be declared unconstitutional or unenforceable the remaining provisions of this act shall remain intact.

Section 14. The provisions of this act shall become effective upon this act being signed by the Governor or this act otherwise becoming law.

Approved April 12, 1994

Time: 4:39 P.M.

Act No. 94-393

H. 101 – Rep. McClain

AN ACT

To amend Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), the Jefferson County Bingo Act relating to the permitting of qualified organizations to operate bingo games, to further provide for the amount of prizes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 10 of Act 80-609, H. 520, 1980 Regular Session (Acts of Alabama 1980, p. 1027), is amended to read as follows:

“Section 10. Management and Operation of Bingo, Persons Eligible, Compensation, Equipment, Prizes, Advertisement.

“(1) A person other than a bona fide member of the permit-holder may not participate in the management of bingo. Persons other than bona fide members of the permitholder may participate in the operation of bingo as provided by rule of the sheriff.

“(2) A person may not receive any commission, salary, pay, profit, or wage for participating in the management or operation of bingo except as provided by rule of the sheriff.

“(3) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permitholder.

"(4) Prizes given by any organization for the playing of bingo games shall not exceed five thousand dollars (\$5,000) in cash or gifts of equivalent value during any bingo session or seven thousand five hundred dollars (\$7,500) in cash or gifts of equivalent value during any calendar week.

"(5) A permitholder may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a permitholder to advertise bingo, the permitholder shall indicate in the advertisement the purposes for which the net proceeds will be used by the permitholder.

"(6) A permitholder shall display its bingo license conspicuously at the location where the bingo game is conducted.

"(7) A permitholder shall conduct bingo games only at the single location specified in the permitholder's application.

"(8) A permitholder shall not conduct more than one bingo session during any one calendar day and no more than two bingo sessions during any one calendar week and no session shall exceed 5 hours."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:40 P.M.

Act No. 94-394

H. 73 – Rep. White

AN ACT

Relating to Escambia County; amending Act No. 88-836, H. 183, 1988 Special Session, which levies a county cigarette tax, and to provide further for the distribution of the proceeds from the tax.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 88-836, H. 183, 1988 Special Session, relating to Escambia County, is amended to read as follows:

"Section 6. The proceeds from the tax hereby levied, less the actual costs of collection not to exceed ten per centum, shall be paid by the state department of revenue into the county general fund of Escambia County to be expended as follows:

"(1) 1/2 cent to the county general fund.

"(2) 2 1/2 cent to all fire departments, volunteer and municipal and the Escambia County Rescue Squad and the Flomaton Fire Department and Rescue Squad on an equal basis. Each municipal fire

department shall establish a separate fund apart from the municipal treasury into which the proceeds allocated to the department shall be deposited. The monies in these separate funds shall not be administered by the municipalities, shall be kept completely separate from the monies in the municipal operating budget, and shall be subject to audit by the Examiners of Public Accounts. Monies in each of those funds shall be expended in the sole discretion of the respective municipal fire chief in any manner he or she deems necessary for the operation of and equipment for that fire department and for other fire department related purposes, except none shall be expended for salaries. A municipality shall not reduce its level of support for the fire department of the municipality because of funds available pursuant to this act. Volunteer fire departments shall expend their shares only as prescribed in their respective by-laws or articles of incorporation, except no proceeds distributed under this act shall be expended for salaries. Each fire department shall participate so long as such fire department is certified by the district forester of the Alabama Forestry Commission in Escambia County. Any fire department failing to meet certification standards shall be suspended from participation in the revenue until those standards are met and said fire department's revenue shall be equally distributed among the fire departments meeting the certification standards."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:41 P.M.

Act No. 94-395

H. 370 – Reps. Sanderford, Haney, Hall (L)

AN ACT

Relating to Madison County; authorizing the Madison County Commission to levy an additional ad valorem tax; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to subsection (f) of Amendment No. 373 to the Constitution of Alabama of 1901, the governing body of Madison County may levy, in addition to any other tax, an ad valorem tax of two mills on each dollar of taxable property in Madison County. The revenue from the additional tax shall be paid to the county general fund to be used exclusively for the Huntsville-Madison County Public Library System.

If the two mills property tax outside the City of Huntsville is levied, the Huntsville-Madison County Library Board shall have three additional members appointed by the Madison County Commission as follows: one member appointed by the Commissioner from Madison County District No. 1, one member appointed by the Commissioner from Madison County District No. 3, and one member appointed by the Commissioner from Madison County District No. 4. Each new appointee shall reside in the district from which he or she is appointed, but outside of the Huntsville City limits.

At least 30 percent of the proceeds from this tax and the matching appropriation from the state shall be spent outside the City of Huntsville if they pay the 2-mill property tax.

If Madison County or the City of Huntsville should decrease the appropriation from the appropriation given in the previous fiscal year, this tax shall terminate at the end of the fiscal year in which the decrease occurred.

Section 2. The increase in the rate of the tax as provided by this act is subject to the approval of a majority of the qualified electors of the county who vote on the proposed increase at the next primary or general election held for that purpose.

Section 3. In the event this act is approved and a majority of the qualified electors of Madison County who vote in favor of the adoption of this act when it is submitted, the additional tax provided for in Section 1 shall be levied and collected for a period of 8 years.

Section 4. If the majority of the voters outside the city limits of the City of Huntsville vote against this tax, the citizens shall not be liable for this tax if the majority of the citizens in the City of Huntsville voted in favor of this tax and the tax is only levied in the City of Huntsville.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:42 P.M.

Act No. 94-396

H. 395 – Rep. Haynes

AN ACT

Relating to Talladega County; amending Act No. 82-229, S. 493, 1982 Regular Session, (Acts 1982, p. 279), to increase the recording fees charged by the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 82-229, S. 493, 1982 Regular Session (Acts 1982, p. 279), are amended to read as follows:

“Section 1. In Talladega County, a fee of three dollars and fifty cents (\$3.50) per page shall be charged and collected for filing and recording documents in the following books: deed, mortgage, liens, judgment, and lis pendens. Additionally, a special indexing fee of two dollars (\$2) shall be charged and collected on each instrument to be recorded in the books listed above. No instrument shall be received for record in the office of the judge of probate unless the recording fee of three dollars and fifty cents (\$3.50) per page, the indexing fee of two dollars (\$2) per instrument, and taxes, as required by law, are paid. It is intended that no other charges shall be collected on these named instruments. All special indexing and recording fees collected under this section shall be deposited in the county general fund.

“Section 2. A special indexing fee of two dollars (\$2) shall be charged and collected by the judge of probate on each financing statement filed with the judge. The special indexing fee shall be in addition to all other taxes and other charges required by law to be paid for filing for record financing statements. All special indexing fees collected under this section shall be deposited in the county general fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:43 P.M.

Act No. 94-397

H. 396 – Rep. Haynes

AN ACT

Relating to Talladega County; authorizing the Talladega County Commission to expend funds from the Public Highway and Traffic Fund for salaries and expenses to enforce state traffic and motor vehicle laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Talladega County Commission may expend funds from the Public Highway and Traffic Fund for salaries and expenses to regulate and enforce state traffic and motor vehicle laws. The salaries and expenses authorized by this act may

include, but shall not be limited to, salaries for deputy sheriffs of Talladega County, expenses of administration of the sheriff's office, expenditures for motor vehicles and other equipment relating to traffic control or regulation, and other expenses in enforcing state traffic and motor vehicle laws.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:44 P.M.

Act No. 94-398

H. 731 – Reps. Goodwin, Black (M)

AN ACT

Relating to Colbert County; amending Act No. 243, H. 685, 1957 Regular Session, to provide further for the levy of a county excise tax on little cigars made of tobacco or any substitute thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 243, H. 685, 1957 Regular Session is amended to read as follows:

“Section 2. The county governing body shall declare the result of the election, and if a majority of the electors voting on the question have voted in favor of such special tax, the county governing body may by ordinance or resolution levy, in addition to all other taxes of every kind now imposed by law, a county privilege or excise tax in the following amounts for the sale, storage, or delivery of the following named tobacco and tobacco products:

(a) Two cents (\$0.02) for each package of cigarettes, made of tobacco or any substitute therefor.

(b) One cent (\$0.01) for each cigar of any description made of tobacco or any substitute therefor.

(c) One cent (\$0.01) for each sack, can, package, or other container of smoking tobacco, including granulated, plug cut, crimp

cut, ready rubbed, and other kinds and forms of tobacco which is prepared in such manner as to be suitable for smoking in a pipe or cigarette.

(d) One cent (\$.01) for each sack, plug, package, or other container of chewing tobacco, which tobacco is prepared in such manner as to be suitable for chewing only and not suitable for smoking as described in subsection (c) of this section.

(e) One cent (\$.01) for each can, bottle, glass, tumbler, package, or other container of snuff made of tobacco or any substitute therefor.

(f) Five cents (\$.05) for each package or other container of little cigars made of tobacco or any substitute therefor."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:45 P.M.

Act No. 94-399

H. 736 – Rep. Clark (J)

AN ACT

Relating to Barbour County; providing for an additional expense allowance for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any compensation or expense allowance now provided, commencing with the next term of office, the coroner of Barbour County shall receive a monthly allowance of two hundred fifty dollars (\$250), seven and a half dollars (\$7.50) per call or case, and 20 cents (.20) per mile while performing the duties of coroner. The expense allowance shall be paid monthly out of the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:46 P.M.

Act No. 94-400

H. 737 – Rep. Haynes

AN ACT

Relating to Talladega County; to provide for the compensation of members of the county board of registrars.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative only in Talladega County.

Section 2. The Talladega County Commission shall in its discretion pay each member of the Talladega County Board of Registrars a daily salary allowance from the county in an amount not to exceed ten dollars (\$10) per day for each day's attendance upon business of the board. The amounts shall be paid out of the county general fund and in addition to any compensation of registrar paid out of the State Treasury and shall be paid in accordance with Talladega County, Alabama Personnel Policies and Procedures.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:47 P.M.

Act No. 94-401

H. 738 – Rep. Haynes

AN ACT

Relating to the City of Talladega; amending the title and Section 1 of Act No. 92-498, H. 807, 1992 Regular Session, relating to the city civil service system, to correct the citation of the act being amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The title and Section 1 of Act No. 92-498, H. 807, 1992 Regular Session, are amended to read as follows:

“An Act To amend Section 4 of Act No. 87-423, H. 882, 1987 Regular Session, to exempt the city clerk of Talladega, Alabama, from the city civil service system.

“Section 1. Section 4 of Act No. 87-423, H. 882, 1987 Regular Session, is amended to read as follows:

“Section 4. Exemption. The city board of education, and all offices and positions of such board, including all employees thereof, are exempted from the provisions of this act, except that members of the board shall be included in the exempt service. The city clerk shall also be included in the exempt service.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:48 P.M.

Act No. 94-402

H. 739 – Rep. Haynes

AN ACT

To amend Section 7 of Act No. 79-610, H. 950, 1979 Regular Session, to provide further for certain fees, commissions, and penalties on license delinquencies in Talladega County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 79-610, H. 950, 1979 Regular Session, is amended to read as follows:

“Section 7. Fees, commissions, and penalties due to license delinquencies shall be as provided in Section 40-12-10, Code of Alabama 1975, and as otherwise provided by law. Notwithstanding the foregoing, in addition to the fees and penalties, interest may be added at the rate prescribed in Section 40-1-44, Code of Alabama 1975.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:49 P.M.

Act No. 94-403

S.J.R. 90 – Senators Hale and Horn

SENATE JOINT RESOLUTION

ESTABLISHING AN ADVISORY COMMITTEE ON THE LOCATION OF THE NATIONAL BIOMEDICAL TRACER FACILITY IN THE STATE OF ALABAMA.

WHEREAS, the Legislature understands that the U.S. Department of Energy has established a competitive process to determine the location within the United States of the National Biomedical Tracer Facility (NBTF), which would develop and produce radioisotopes for medical uses; and

WHEREAS, there may be a need for the Legislature to assist the efforts of a broad-based Alabama coalition that is seeking to have the National Biomedical Tracer Facility located in the State of Alabama; and

WHEREAS, the Legislature desires to establish an advisory committee to assist the Legislature in determining how the work of the Alabama National Biomedical Tracer Facility coalition can be enhanced and supported; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is established an advisory committee on the location of the National Biomedical Tracer Facility in Alabama.

The committee shall be composed of the following members:

(1) Five members of each house appointed by the presiding officer of each house.

(2) One member who is a representative of the Governor's Office.

(3) One member who is a representative of the Alabama Development Office.

(4) One member who is a representative of the Alabama Department of Economic and Community Affairs.

(5) One member who is a representative of the University of Alabama at Birmingham.

(6) One member who is a representative of the Alabama Power Company.

(7) One member who is a representative of RUST International, Inc.

(8) One member who is a representative of the Jefferson County Commission.

(9) One member who is a representative of the City of Birmingham.

(10) One member who is a representative of the Metropolitan Development Board of Birmingham.

The committee shall perform the following functions:

(1) Identify and evaluate the extent of state participation needed to enhance the national competitiveness of the efforts to locate the National Biomedical Tracer Facility in Alabama.

(2) Identify appropriate actions and recommend appropriate responses by the Legislature, Governor, and local governments that would contribute to locating the National Biomedical Tracer Facility in Alabama.

The committee shall meet as soon as practicable after the adjournment of the 1994 Regular Session of the Legislature and shall select from among its members a chair and vice chair. Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the first legislative day of the 1995 Regular Session, whereupon the committee shall stand dissolved and discharged of any further duties and liabilities. Each legislative member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Nonlegislative members of the committee shall not be entitled to compensation, mileage, or per diem expenses for service on the committee. The compensation and expenses of the members shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. The total expenditures of the committee shall not exceed seven thousand, five hundred dollars (\$7,500.00).

Approved April 12, 1994

Time: 4:50 P M

Act No. 94-404

S.J.R. 95 – Senators Escott-Russell, Bedsole, Corbett, Amari, Bailey, Barron, Bolling, Campbell, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Underwood, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

PROMOTING THE APPOINTMENT OF WOMEN TO STATE AND PUBLIC BOARDS, COMMISSIONS, AND AUTHORITIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the Legislature to recognize the importance of balance in the appointment of women persons to membership on statutorily created decision-making and regulatory boards, commissions, councils, authorities, and committees, and to promote that balance.

BE IT RESOLVED FURTHER, That in appointing members to any statutorily created decision-making or regulatory board, commission, council, authority, or committee of the state, the appointing authority should select, from among the most qualified persons, those persons whose appointments would ensure that the membership of each board, commission, council, authority, or committee include the women of Alabama. If there are multiple appointing authorities for the board, commission, council, authority, or committee, they shall consult with each other to achieve the purposes of this resolution.

RESOLVED FURTHER, That The Alabama Women's Commission shall submit a report to the Secretary of State annually by December 1 which discloses the number of appointments of women made during the preceding year expressed both in numerical terms and as a percentage of the total membership of the board, commission, council, authority, or committee. A copy of the report shall be submitted to the Governor, the Speaker of the House of Representatives, and the President or President Pro Tempore of the Senate.

FURTHER RESOLVED, That this resolution applies to appointments and reappointments made after its effective date. It does not prohibit a member of a decision-making or regulatory board, commission, council, authority, or committee from completing a term being served when this resolution takes effect.

Approved April 12, 1994

Time: 4:51 P.M.

Act No. 94-405

S. 542 – Senator Barron

AN ACT

To amend Section 3 of Act No. 84-441, H. 789, 1984 Regular Session, to provide per diem and travel allowances for members of the board of directors of the Jackson County Economic Development Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 84-441, H. 789, 1984 Regular Session (Acts 1984, p. 1030) is amended to read as follows:

“Section 3. The authority may employ a qualified executive director who shall be responsible for carrying out the policies and directives of the board of directors. The executive director shall serve at the pleasure of the board. The board shall set the salary of the director and provide him or her with office space and clerical help. The office of the authority is to be maintained in the county seat.

“The authority may solicit and receive contributions from other government entities, corporations, partnerships, or individuals. The authority shall submit to audits by the Examiners of Public Accounts.

“The members of the board of directors of the authority shall receive the same per diem and mileage for actual attendance of meetings of the board as is allowed for state employees for up to 12 meetings in any calendar year.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 4:52 P.M.

Act No. 94-406

S.J.R. 120 – Senator Sanders

SENATE JOINT RESOLUTION

RECOGNIZING FREDERICK DOUGLAS REESE FOR DEDICATED COMMITMENT TO THE CAUSE OF FREEDOM AND HUMAN RIGHTS.

WHEREAS, the Alabama Legislature, in highest commendation, recognizes the Living History Exhibit of Frederick Douglas Reese, April 10, 1994, at the National Voting Rights Museum in Selma, Alabama; and

WHEREAS, since the early years of the Civil Rights Movement in our nation's history, Mr. Reese has played a vital role in every major accomplishment for Blacks in the Selma-Dallas County community and, most particularly, during the Voting Rights Movement in Selma in 1965, when he served as president of the Dallas County Voters League, was “Selma Local Leader,” and staged the first demonstration of Black teachers in the United States for the Right-to-Vote; and

WHEREAS, Frederick Douglas Reese, a prominent educator and civic leader, currently serves as Administrative Assistant to the Superintendent of Education, and as pastor of Ebenezer Baptist Church in Selma; and

WHEREAS, Mr. Reese has indeed challenged injustice wherever he has found it, and has directed numerous protests and demonstrations against all forms of discrimination, including many with Dr. Martin Luther King; he fought vigorously for the establishment of an Economic Opportunity Agency in Dallas County with equal representation, and against the "all white" Dallas County Democratic Executive Committee, and was instrumental in changing employment practices to include the hiring of the first Black director of the Neighborhood Service Center, the first Black policeman, and the first Black deputy in the Sheriff's Department, to name but a few of his accomplishments; and

WHEREAS, among other distinctions, Mr. Reese was one of the first Black men since Reconstruction to run for public office in Dallas County, and was one of the first to serve on the Selma City Council; and

WHEREAS, Mr. Reese truly holds a prominent place in the Living History of Selma, Alabama, and is to be praised for his many accomplishments and contributions to a goal of freedom and justice for all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, we hereby most highly commend Frederick Douglas Reese, to whom a copy of this resolution of tribute shall be presented.

Approved April 12, 1994

Time: 4:53 P.M.

Act No. 94-407

S.J.R. 121 – Senator Sanders

SENATE JOINT RESOLUTION

RECOGNIZING THE REVEREND JAMES ORANGE FOR OUTSTANDING SERVICE AND ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the Living History Exhibit of the Reverend James Orange, on March 6, 1994, at the National Voting Rights Museum in Selma, Alabama; and

WHEREAS, the Reverend James Orange, an ordained Baptist Minister, who serves as Associate Minister of the St. Peter Missionary Baptist Church in Atlanta, Georgia, is widely regarded and recognized as a civic leader and a devout Christian; and

WHEREAS, educated in the Birmingham Public School System and Bishop College in Dallas, Texas, Reverend Orange has held numerous leadership roles in the community including Special Project Coordinator with Industrial Union Department, AFLCIO; Co-coordinator for Jobs with Justice Campaign; Board Member of the National Tenant Organization; Assistant with the Southern Christian Leadership Conference with Women Education Heritage Tour; and former Chairperson of Jericho Road Ministry of the St. Peter Missionary Baptist Church; and

WHEREAS, in tribute to his many contributions and accomplishments, he has been recognized as a member of the Concerned Black Clergy of Metro Atlanta for Outstanding Contributions to the Black Community (1993), and by such prestigious honors and awards as Distinguished Service Award from the Martin Luther King Center for Non-Violent Social Change (1992), the Get Out to Vote Award from the Secretary of the State of Georgia, and the Award of Commitment from the Organized Labor and Workmen's Circle; and

WHEREAS, it is further to be noted that Reverend Orange was arrested in Marion, Alabama in 1965, which led to the fatal shooting of Mr. Jimmie Lee Jackson, and, in continuing commitment to the cause, will be traveling to South Africa to assist with voter registration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING. That in recognition of outstanding achievement and service, we hereby most highly commend the Reverend James Orange, for whom a copy of this resolution shall be provided.

Approved April 12, 1994

Time: 4:54 P.M.

Act No. 94-408

S.J.R. 122 – Senators Sanders and Lindsey

SENATE JOINT RESOLUTION

COMMENDING J. F. SHIELDS HIGH SCHOOL BOYS BASKETBALL TEAM 2A CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama notes with pride the boys basketball team from J. F. Shields High School in Monroe County for winning the State 2A Championship; and

WHEREAS, Coach Marion McIntosh and team members, Richard Mason, Billy Williams, LaBarron McBride, Sherman Curry, Jason Sanders, John Dailey, Shawn Payne, Dwayne Cunningham, Robert Finklea, Chris Lyles, Derrick Randerson, Johnny Bonner, Johnny Carstarphen, Roderick Stallworth, and Sylvester Johnson are to be complimented on an excellent 24-9 regular season and excellent tournament play; and

WHEREAS, on the way to an 80-75 win over Hazlewood in the Final Four State Tournament in Birmingham, Shields defeated Excel 84-59 in the Area Tournament, trounced Florala 94-71 in the Sub-Regional Tournament, and buried McIntosh 87-70 in the Regional Tournament; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically commend the 1993-94 Boys Varsity Basketball Team of J. F. Shields High School on its State 2A Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to J. F. Shields High School for proper presentation and display.

Approved April 12, 1994

Time: 4:55 P.M.

Act No. 94-409

S.J.R. 123 – Senators Lindsey and Windom

SENATE JOINT RESOLUTION

SUPPORTING PENDING FEDERAL LEGISLATION S. 371, THE "MOWA BAND OF CHOCTAW INDIANS RECOGNITION ACT."

WHEREAS, S. 381, the "MOWA Band of Choctaw Indians Recognition Act," currently pending in the U.S. Congress, would, if enacted, transfer to the United States all MOWA property in trust for the MOWA Band; and

WHEREAS, for more than 10 generations, the Mowa Band of Choctaw Indians has been a group of about 7,000 people living in Southwest Alabama within the original boundary of the Choctaw Nation; and

WHEREAS, the name "MOWA" is a recent derivation from the first two letters of Mobile and Washington Counties in Alabama denoting ancestors of the Choctaw Indians who established the community during the 1800's, just prior to the removal of the Indians from the State of Alabama; and

WHEREAS, the MOWA band refused to migrate from their homeland during the infamous "Trail of Tears" and in 1978, they were officially recognized by the State of Alabama; and

WHEREAS, for over 200 years, the Mowa Choctaws have lived in the same area, which has been identified as a prehistoric Indian site by the U.S. Army Corps of Engineers prior to the construction of the Tennessee-Tombigbee Waterway; and

WHEREAS, the Mowa people have been taxpayers, voted, and served their country from the Civil War through the Persian Gulf War; and

WHEREAS, since the 1800's, the ancestors of today's Mowa Band have consistently sought recognition as an Indian Tribe each time the U.S. Government opened the rolls for federal recognition; they have sought recognition with the Eastern Choctaw in 1887, the Eastern Cherokees in 1907, and the Creeks in the 1950's; and

WHEREAS, the goal of these Native Americans in seeking federal recognition is to preserve their community and to promote economic development goals of the band; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby support the pending federal legislation S. 371, the "MOWA Band of Choctaw Indians Recognition Act," and memorialize the U.S. Congress to enact the legislation.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama delegation of Congress.

Approved April 12, 1994

Time: 4:56 P.M.

Act No. 94-410

S.J.R. 124 – Senator Little

SENATE JOINT RESOLUTION

COMMENDING DUANE WEBSTER ON INDUCTION INTO ALABAMA HIGH SCHOOL ATHLETIC ASSOCIATION SPORTS HALL OF FAME.

WHEREAS, the Alabama Legislature notes with pleasure that Duane Webster, former football coach at Reeltown High School, was inducted into the Alabama High School Athletic Association Sports Hall of Fame; and

WHEREAS, Coach Webster compiled an outstanding record in his 30 years of football coaching with 218 wins, 93 losses, and nine ties, before retiring in 1987 from coaching the Reeltown Rebel Football Championship Team; and

WHEREAS, Coach Webster's astute leadership and devotion to his players and assistant coaches won him the high esteem and admiration of many and, in his honor, the Reeltown Rebels' stadium is designated the Nix-Webster Stadium; and

WHEREAS, it is a mark of distinction to be inducted into the Alabama High School Athletic Association Sports Hall of Fame that few ever achieve; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend Coach Duane Webster on his induction into the 1994 Alabama High School Athletic Association Sports Hall of Fame and, in recognition of his outstanding career and accomplishments in coaching, and as a token of our high regard for him, direct that he be provided with a copy of this resolution.

Approved April 12, 1994

Time: 4:57 P.M.

Act No. 94-411

S.J.R. 126 – Senator Mitchem

SENATE JOINT RESOLUTION

NAMING THE PORTION OF U.S. HIGHWAY 431 FROM THE NORTH END OF THE VETERANS MEMORIAL BRIDGES AT GUNTERSVILLE, ALABAMA, TO THE INTERSECTION AT SNUG HARBOR ROAD, THE "GEORGE S. HOUSTON PARKWAY."

WHEREAS, George S. Houston, was a former Governor of the State of Alabama and was a significant figure in the history of Alabama; and

WHEREAS, the bridge bearing his name which spanned the Tennessee River at Guntersville, Alabama, was condemned and removed in 1992; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That both north and southbound lanes of the portion of U.S. Highway 431 from the north end of the Veterans Memorial Bridges at Guntersville to the intersection of Snug Harbor Road be named the "George S. Houston Parkway."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the appropriate officials and that appropriate signs and guideposts be erected to reflect the naming of this highway.

Approved April 12, 1994

Time: 4:58 P.M.

Act No. 94-412

S.J.R. 127 – Senator Wilson

SENATE JOINT RESOLUTION

COMMENDING FRANK L. KENDRICKS ON THE OCCASION OF HIS 100TH BIRTHDAY.

WHEREAS, it is with special recognition that the Alabama Legislature notes the occasion of the 100th birthday of Mr. Frank L. Kendricks, on April 7, 1994; and

WHEREAS, born April 7, 1894, in Marion County, Alabama, to Perry and Sarah Hudson Kendricks, Frank Kendricks spent his childhood on a farm near Eldridge, Alabama, attending the school at Dunn Hill; and

WHEREAS, on the second Sunday in May of 1913, Frank Kendricks met, and later married, Annie Cox, with whom he shared a loving marriage for the 74 years preceeding her passing on April 19, 1990, and with whom he became a proud parent of three children; Verna, Velma, and Julious; and a loving and devoted grandfather of numerous grandchildren and great-grandchildren; and

WHEREAS, Frank Kendricks worked in the areas of farming, sawmilling, and mining before obtaining employment as a carpenter's helper in 1924, earning 40 cents an hour constructing the bridge across Loss Creek on U.S. Highway 78, gaining experience, learning the trade, and ultimately achieving the position of superintendent, whereby he performed an important role in the construction of virtually every bridge on Alabama Highway 69, north of Jasper; and

WHEREAS, a devoted and significant member of the Baptist faith, Mr. Kendricks joined the Baptist Church in 1910 at the age of 16 and served faithfully as an active Deacon with the First Baptist Church of Carbon Hill for a period of 32 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with his family, friends, and the community in celebrating the milestone 100th birthday, April 7, 1994, of Mr. Frank L. Kendricks of Carbon Hill, Alabama, and do further direct that Mr. Kendricks receive a copy of this resolution, executed in sincere esteem and with warm best wishes for many more years of continued good health and happiness.

Approved April 12, 1994

Time: 4:59 P.M.

Act No. 94-413

H. 616 – Rep. Freeman

AN ACT

Relating to the Twenty-third Judicial Circuit of Alabama by authorizing the district attorney to establish a restitution recovery division within the Office of the District Attorney; to provide for collection and the enforcement of court orders in certain cases of nonpayment of restitution to victims of crime, court costs, fines, penalty payments, victim compensation assessments, and bond forfeitures; to provide a collection fee; to provide funding for the new Restitution Recovery Division; and to provide for a Circuit Clerk's Fund to assist the clerk in the implementation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the Twenty-third Judicial Circuit.

Section 2. The purpose of this act is to ensure that court-ordered restitution to crime victims, victim compensation assessments, bail bond forfeitures, court costs required by law, fines levied against criminals for wrongful conduct, and other court-ordered sums payable to the state or to the crime victims be paid in full and that cost of collection be borne by the person who is responsible for payment.

Section 3. The district attorney may establish a special division designated the "Restitution Recovery Division" for the administration, collection, and enforcement of court costs, fines, penalty payments, victim compensation assessments, bail bond forfeitures, restitution, or like payments in civil or criminal proceedings

ordered by the court and payable to the state or to crime victims, or judgements entered which have not been otherwise vacated or judicial relief given from the operation of the order or judgement.

Section 4. The court, the clerk of the court, or a probation officer shall notify the district attorney in writing when any bail bond forfeitures, court costs, fines, penalty payments, crime victims' restitution, or victims' compensation assessments or like payments in any civil or criminal proceeding ordered by the court to be paid to the state or to crime victims have not been paid or are in default and the default has not been vacated. Upon written notification to the district attorney, the Restitution Recovery Division of the district attorney's office may collect or enforce the collection of funds that have not been paid or that are in default which, under the direction of the district attorney, are appropriate to be processed. In no event shall a court, court clerk, or probation officer notify the district attorney in less than 90 days from the date the payments are due to be paid in full.

Section 5. After notification, as provided in Section 4, the district attorney may take all lawful steps necessary in order to require compliance with the court-ordered payments, including any of the following: (1) a petition for revocation of probation; (2) a show cause petition for contempt of court; (3) any other civil or criminal proceedings which may be authorized by law or by rule of court. In addition, the district attorney may issue appropriate notices to inform the defendant of the noncompliance of the defendant and a warning of the penalty for noncompliance.

Section 6. After a matter has been transferred to the district attorney under Section 4, a court shall assess a collection fee of 30 percent of the funds due which shall be added to the amount of funds due. Any amount collected pursuant to this statute shall be distributed as follows:

(a) Seventy-five percent of the collection fee shall be distributed to the County District Attorney Fund to be expended for lawful purposes for the operation of the office of the district attorney. Funds provided to the district attorney by this act shall not reduce the amount payable to the district attorney under any local act or general act or reduce or affect the amounts of funding of the budget allocated by law. The funds shall be audited as all other state funds are audited.

(b) Twenty-five percent of the collection fee shall be distributed to the Circuit Clerk's Fund which shall be kept and maintained by the circuit clerk in a separate account to be used for the operation of the office of the clerk to include, but not be limited to, equipment purchases, education, and other office-related expenses including personnel. Funds retained by the circuit clerk shall not reduce the

amount payable to the circuit clerk under any local act or general act or reduce or affect the amounts of funding of the budget of the circuit clerk allocated by the Administrative Office of Courts. The funds shall be audited as all other state funds are audited.

The remainder of the fees, fines, penalties, charges, court costs, and bail bond forfeitures after the deduction for collection shall be disbursed as provided by law on a monthly basis.

(c) This act shall not affect the right of the office of the district attorney to proceed with the prosecution of any violation as currently provided by law.

Section 7. There shall be an amnesty period of 60 days after the effective date of this act during which any person may voluntarily pay in full any duly assessed court costs, fines, victim compensation assessments, bail bond forfeitures, penalty payments, restitution, or like payments in default. Commencing with the sixty-first day after the effective date of this act, the enforcement and collection procedures provided in this act shall be implemented.

Section 8. In addition to the provisions of this act, all court costs, fines, victim compensation assessments, bail bond forfeitures, and restitution, and other court-ordered charges shall be considered a civil judgement which can be recorded and enforced in the manner provided by law.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 10. The provisions of this act are supplemental to any procedures for the enforcement and collection of any court-ordered sums or forfeitures.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:00 P.M.

OF ENTITIES RECEIVING OR DISBURSING, OR BOTH, PUBLIC FUNDS.

WHEREAS, the Legislature of Alabama annually appropriates millions of dollars to various entities to provide services and programs for the benefit of the citizens of Alabama; and

WHEREAS, the accountability of these entities is of paramount importance to the Legislature; and

WHEREAS, audits are an integral part of the accountability of these entities to the citizens; and

WHEREAS, the Legislature desires that audit reports of entities receiving or disbursing, or both, public funds be available to the public to the maximum extent possible; and

WHEREAS, the Department of Examiners of Public Accounts issues public audit reports on the entities that it audits; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That all entities receiving or disbursing, or both, public funds forward a copy of every audit report issued on the entity to the Department of Examiners of Public Accounts at the time of its receipt by the entity; and that the Department of Examiners of Public Accounts shall establish a repository of audit reports received, provide notice to the public weekly of reports received by the repository, and provide copies of audit reports in the repository to the public upon request.

Approved April 12, 1994

Time: 5:01 P.M.

Act No. 94-415

H.J.R. 278 – Reps. Harper, Zoghby, Gaston,
Kvalheim, Buskey, Kennedy,
Box

HOUSE JOINT RESOLUTION

RECOGNIZING THE CONTRIBUTIONS OF EXXON TO THE MOBILE AREA AND THE STATE OF ALABAMA.

WHEREAS, Exxon's Mobile Bay operations represent the world's largest sour gas development; and

WHEREAS, leases of offshore tracts by Exxon have resulted in the payment of more than \$600 million to the Alabama Trust Fund; and

WHEREAS, construction of Exxon's facilities provided employment to thousands of local workers and benefitted hundreds of local vendors; and

WHEREAS, workers at the Exxon plant compiled an exceptional safety record during construction of the onshore and offshore facilities, while Exxon took extraordinary measures to protect the environment and quality of life in Mobile Bay; and

WHEREAS, since production began in October of 1993, Royalty and Severance Tax payments to the state by Exxon have exceeded \$25 million; and

WHEREAS, further, Exxon has provided generous support to dozens of local charities and organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize that Exxon, the Mobile area, and the State of Alabama are "Partners in Progress," and look forward to sharing this productive working relationship for many years to come.

BE IT FURTHER RESOLVED, That on behalf of the Mobile area and the State of Alabama, a copy of this resolution shall be presented to Exxon in appreciation for its many contributions, and for the generosity of its support to the community.

Approved April 12, 1994

Time: 5:02 P.M.

Act No. 94-416

H.J.R. 301 – Rep. Zoghby

HOUSE JOINT RESOLUTION

COMMENDING MAJOR RODERICK ROY OF THE MOBILE POLICE DEPARTMENT.

WHEREAS, Major Roderick Roy is an experienced police officer who has dedicated many years in service to the Mobile Police Department, and to the people of Mobile and Alabama; and

WHEREAS, Major Roderick Roy has earned, and deservedly so, a reputation for being a hard worker, and a public servant who is deeply committed to his profession, and to his responsibilities in protecting the lives, safety and property of the citizens of Mobile and the state; and

WHEREAS, Major Roderick Roy has been recognized, additionally, for both his capable administrative ability, and for his

extensive knowledge of law enforcement activities at the local, state, and national levels; and

WHEREAS, Major Roderick Roy offered his able assistance, in 1993, to help the Alabama Host Committee during the Southern Legislative Conference in Mobile by providing security for delegates and participants, and helping with other conference-related activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Major Roderick Roy for his invaluable assistance in providing security for the Southern Legislative Conference in Mobile, and for his dedicated endeavors in helping with countless other conference-related activities.

BE IT FURTHER RESOLVED, That we herein express our sincere appreciation to Major Roy, and direct that he receive a copy of this resolution of highest personal regard.

Approved April 12, 1994

Time: 5:03 P.M.

Act No. 94-417

H.J.R. 307 – Rep. Willis

HOUSE JOINT RESOLUTION

HONORING MRS. KITTY STONE OF JACKSON, ALABAMA.

WHEREAS, the Alabama Legislature, in noting the "Salute to Kitty Stone" celebration, April 24, 1994, at Kitty Stone Elementary School, Jacksonville, Alabama, joins in tribute to a prominent educator whose professional career of 38 years is marked in accomplishment; and

WHEREAS, Mrs. Kitty Stone, director emeritus of Jacksonville Elementary Laboratory School, where she served as director/principal for 26 years, and which is now named in her honor, is included in Who's Who in American Women, Leaders in Education, Who's Who in American Education, among other prestigious directories, and holds an Honorary Doctor of Law degree from Jacksonville State University, among numerous additional distinctions; and

WHEREAS, the former "First Lady" of Jacksonville State University, also served on validation committees for HEW

(Department of Education) in Southeastern United States and, during her tenure with Jacksonville Elementary Laboratory School, was instrumental in securing a half million dollar grant for the school's Library/Media Center; and

WHEREAS, "Miss Kitty," as she affectionately known, is indeed an extraordinary lady who has served the education community with great dedication, and has thereby earned the utmost regard of her peers, countless students, parents and friends of what is now the Kitty Stone Elementary School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to the youth of our state, we hereby most highly commend Mrs. Kitty Stone of Jacksonville, Alabama, and do further direct that she receive a copy of this resolution on "Salute to Kitty Stone" day, April 24, 1994.

Approved April 12, 1994

Time: 5:04 P.M.

Act No. 94-418

H.J.R. 308 – Rep. Collins

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF W. C. BRAGG OF VERNON, ALABAMA.

WHEREAS, grievously recorded by the Legislature of Alabama, is the death of W. C. Bragg of Vernon, Alabama, on October 24, 1993, at the age of 96 years; and

WHEREAS, a native of Moulton in Lawrence County, a former resident of Fayette, Alabama, and a United States Army veteran, Mr. Bragg was one of Alabama's most prominent businessmen who was a member of the State Banking Half Century Club, and had served the banking community for 66 years; and

WHEREAS, Mr. Bragg served for nine years as cashier of Citizens Bank in Moulton where he was Superintendent of the Methodist Church and had served as mayor; he also served 19 1/2 years as cashier of the First National Bank of Fayette where he was a member of the City Council, and had served as a steward and as Chairman of the Board of Stewards in the Methodist Church; and, after moving to Vernon, was cashier for 24 years of The Bank of Vernon, which he later served as Director and Advisor to Management; and

WHEREAS, throughout his many years in Vernon, Mr. Bragg provided outstanding community leadership, as he had in Moulton and in Fayette, through involvement and support of a number of civic organizations, including the Kiwanis Club which he served as President, in a number of other offices, and on various committees; he further was a member of First United Methodist Church of Vernon, a member of the Administrative Board of Stewards, and Adult Sunday School teacher; and

WHEREAS, preceded in death by his wife, Melba Holdridge Bragg, Mr. W. C. Bragg is survived by two sons, W. C. Bragg, Jr., and Kenneth L. Bragg; daughters, Martha Newman and Charlotte Hall; 12 grandchildren and 16 great grandchildren; and by other family members and many, many friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of W. C. Bragg of Vernon, Alabama, and extend our most heartfelt sympathy to all his family, for whom a copy of this resolution of sincere condolence shall be provided.

Approved April 12, 1994

Time: 5:05 P.M.

Act No. 94-419

H.J.R. 309 – Reps. Buskey, Kennedy,
Clark (W)

HOUSE JOINT RESOLUTION

COMMENDING COACH J. D. SHELWOOD, THE ALABAMA JUNIOR AND COMMUNITY COLLEGE CONFERENCE SOUTHERN DIVISION COACH OF THE YEAR.

WHEREAS, the Alabama Legislature takes note of the outstanding, successful season of the Bishop State Wildcats Basketball Team which achieved a 21-7 overall season and 10-2 conference play record under the extraordinary leadership and skills of Coach J. D. Shelwood, who was subsequently selected by his fellow coaches as Coach of the Year in the Alabama Junior and Community College Conference Southern Division; and

WHEREAS, Coach Shelwood, whose coaching at LeFlore, produced Mobile's top prep basketball teams year-end and year-out, took the Bishop State Wildcats from a losing record back to its

place of prominence in the community college basketball ranks in only two short years, emphasizing the basics and unity and losing only two league contests by one and four points, respectively; also, under his tutelage, Claude Coleman of the Wildcats was named to the All-Conference Team; and

WHEREAS, Coach Shelwood has inspired the champion Bishop State Wildcats to great accomplishment, and earned the admiration and respect of Bishop State Junior College students, administration, and faculty with his shining examples of leadership and athletic talents; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Coach J. D. Shelwood on being named Coach of the Year, and on the successful season of the Bishop State Wildcats Basketball Team.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach J. D. Shelwood and to Dr. Yvonne Kennedy, President of Bishop State Junior College, for appropriate display, and so they may know of our high regard and esteem.

Approved April 12, 1994

Time: 5:06 P.M.

Act No. 94-420 H.J.R. 310 – Reps. Clark (W), Buskey, Turner,
Gaston, McMillan, Kvalheim,
Rockhold, Zoghby, Harper, Box

HOUSE JOINT RESOLUTION

RECOGNIZING ROBERT JAMES MOORE ON HIS APPOINTMENT AS U. S. MARSHAL IN THE SOUTHERN DISTRICT OF ALABAMA.

WHEREAS, it is with highest commendation and heartiest congratulations that the Alabama Legislature notes the appointment of Robert James Moore, a native of Mobile, Alabama, as U.S. Marshal in the Southern District of Alabama; and

WHEREAS, Mr. Moore, who is currently serving as director of the Mobile County Community Corrections Center, retired from the United States Secret Service in April 1993, following a 22-year career in protective law enforcement; and

WHEREAS, over his distinguished tenure, Mr. Moore's duties included extensive experience in intelligence operations and criminal

investigations, and the protective duty for our last six U.S. presidents; and

WHEREAS, Mr. Moore attended Bishop State Community College, earned his bachelor's degree in political science from the University of South Alabama, and began his career in law enforcement with the Mobile Police Department in 1968; and

WHEREAS, Mr. Moore is the son of Mr. and Mrs. James P. Moore, Sr., and he and his wife, Rosita, are the loving parents of one son, Derrick; he is also the nephew of our friend and colleague, Dr. Yvonne Kennedy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to law enforcement, and his recent appointment as U.S. Marshal for the Southern District of Alabama, we hereby most highly commend and congratulate Robert James Moore, a native Alabamian of whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved April 12, 1994

Time: 5:07 P.M.

Act No. 94-421

H.J.R. 311 – Rep. Cagle

HOUSE JOINT RESOLUTION

COMMENDING TODD INGLE OF LYNN HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize outstanding achievement by our state's youth, the Alabama Legislature herein most highly commends Todd Ingle of Lynn High School on his many accomplishments as a four-year starter at wide receiver for the Lynn High Bears; and

WHEREAS, Todd Ingle, the 18-year-old son of Frankie and Donna Ingle of Nauvoo, Alabama, stands at 6 feet-three inches tall, weighs 175 pounds, and runs the 40-yard dash in 4.7 seconds; in the 1993 season, he is credited with 75 receptions for 1,035 yards and 14 touchdowns, and played a big part in the Bears' outstanding team effort with led to the County Co-Championship, the Area and Conference Titles, and to the second round of the State Class 1A Playoffs; and

WHEREAS, Todd also boasts a fantastic career record of 229 receptions for 3,356 yards and 38 touchdowns that set the state

record for most career receptions and yardage for all AHSAA classifications; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Todd Ingle of Nauvoo, Alabama, and direct that he receive a copy of this resolution of sincere praise, with best wishes for every future success in life.

Approved April 12, 1994

Time: 5:08 P.M.

Act No. 94-422

H.J.R. 312 – Rep. Cagle

HOUSE JOINT RESOLUTION

COMMENDING TODD TITTLE OF LYNN HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize outstanding achievement by our state's youth, the Alabama Legislature herein most highly commends Todd Tittle of Lynn High School on his many accomplishments as a four-year starter at quarterback for the Lynn High Bears; and

WHEREAS, Todd Tittle, who is 17 years old, stands six feet tall, weighs 195 pounds, and runs the 40-yard dash in 4.9 seconds; in the 1993 season, he posted 196 completions in 357 attempts for 2,581 yards, had 24 touchdown passes and only 10 interceptions, and played a big part in the Bears' outstanding team effort which led to the County Co-championship, the Area and Conference Titles, and to the second round of State Class 1A Playoffs; and

WHEREAS, the son of Roger and Rita Tittle of Lynn, Alabama, Todd also boasts a fantastic career record of 570 completions in 978 attempts for 8,073 yards with only 50 interceptions, and his 63 touchdown passes set the state record for career TD passes for the AHSAA 1A classification; and

WHEREAS, not only is Todd an extraordinary young athlete, but is an A-B honor student and president of the Beta Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and

congratulate Todd Tittle of Lynn, Alabama, and direct that he receive a copy of this resolution of sincere praise, with best wishes for every future success in life.

Approved April 12, 1994

Time: 5:09 P.M.

Act No. 94-423

H.J.R. 339 – Rep. Drake

HOUSE JOINT RESOLUTION

EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE.

WHEREAS, the Legislature created the Joint Interim Legislative Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores, pursuant to HJR 151, Act No. 92-107 of the 1992 Regular Session (Act 92-107, p. 177, 1992) and pursuant to HJR 28, Act No. 93-45 of the 1993 Regular Session (Act 93-45, p. 98), extended the time for submission of the committee's report; and

WHEREAS, the committee was directed to report its findings on the thirtieth legislative day of the 1993 Regular Session; and

WHEREAS, the Legislature finds that the committee should be provided an extension of time to report its findings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores shall report its findings, conclusion, and recommendations to the Legislature not later than the thirtieth legislative day of the 1995 Regular Session.

Approved April 12, 1994

Time: 5:10 P.M.

Act No. 94-424

H.J.R. 343 – Rep. Richardson

HOUSE JOINT RESOLUTION

COMMENDING CAPTAIN CHARLES R. BRADFORD OF SCOTTSBORO, ALABAMA.

WHEREAS, the former members of Company B, 151st Engineer Combat Battalion, Alabama National Guard, Scottsboro, Alabama, will hold their Forty-fourth Reunion on August 13, 1994; and

WHEREAS, at the reunion, the commanding officer, Captain Charles R. Bradford, will be honored by Company B and a monument will be erected, by those who served, on the Jackson County Courthouse lawn in honor of Captain Bradford and the members of Company B; and

WHEREAS, Captain Charles R. Bradford served as commanding officer of Company B, 151st Engineer Combat Battalion, during the Korean Conflict, having the responsibility of one hundred sixty-three young men from Scottsboro under his command; and

WHEREAS, while serving in Korea, Company B was cited many times for meritorious service, receiving the Korean Service Medal, Presidential Citation from the government of South Korea, and a citation from the I Corps Commander; and

WHEREAS, under the leadership of Captain Charles R. Bradford, Company B became known as the "Number One Bridge Building Company" in Korea for its ability to construct bridges in record time under extreme combat conditions; and

WHEREAS, after their tour of duty in the Korean Conflict, the members of Company B returned to Scottsboro without loss of life—three were wounded; and

WHEREAS, Charles R. Bradford further served his country in combat in World War II as a Lieutenant in Battery C, 589th Field Artillery, 106th Infantry Division and, while serving in this unit, was captured by the enemy and held as a prisoner of war; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, we hereby commend and pay tribute to Captain Charles R. Bradford, a truly great American, and one of our own, for whom a copy of this resolution shall be provided.

Approved April 12, 1994

Time: 5:11 P.M.

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MR. WILLIAM LARRY RIVENBARK OF OZARK, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the untimely death of William Larry Rivenbark of Ozark, Alabama, on February 19, 1994; and

WHEREAS, born on November 5, 1943, in Samson, Alabama, Larry Rivenbark was employed on the Aircraft Maintenance Contract at Fort Rucker in the field of production control with several companies, including Page Aircraft Maintenance, Inc., Northrop Worldwide Aircraft Services, Inc., Sikorsky Support Services, and Dyncorp; and

WHEREAS, he was widely known and admired through his involvement in leadership and service with numerous civic, cultural, and educational activities; he was also a very caring person whose concern for his family, friends, and the community was reflected daily through his many endeavors on their behalf; and

WHEREAS, a devoted Christian of deep and abiding faith, he contributed generously to the Bridlewood Chapel Independent Methodist Church, where he served as a member and Chairman of the Board; his generosity of heart and spirit greatly brightened the lives of his beloved family and many, many friends, all of whom are sorely bereft in their great and grievous loss; and

WHEREAS, Larry Rivenbark was indeed a kind, loving, and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives he touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of William Larry Rivenbark, and extend our very deepest sympathy to his wife, Billie Rivenbark, daughters, Rebecca Spitzzy and Pamela Rivenbark, Stenson, Bill Smith, and other family members, for whom a copy of this resolution shall be provided, so that they may know that we sincerely share their great and grievous loss.

Approved April 12, 1994

Time: 5:12 P.M.

HOUSE JOINT RESOLUTION

RECOGNIZING WALTER MALCOLM KENNEDY OF ST. CLAIR COUNTY UPON HIS RETIREMENT.

WHEREAS, it is with sincere tribute that the Alabama Legislature recognizes Walter Malcolm Kennedy upon his retirement following longtime, dedicated service to the St. Clair County School System; and

WHEREAS, Mr. Kennedy, who has served as Assistant Superintendent of Education in the St. Clair County School System since 1969, and who has the distinction of being one of the first black educators in Alabama to be appointed to the position, holds firmly to the conviction that education is the key to success for our nation's youth, and has, himself, exemplified this belief in his own life; and

WHEREAS, from humble beginnings, Mr. Kennedy has risen to a place of prominence in education; with unswerving commitment and determination, he earned his B.S. degree from Miles Memorial College, his Master's degree from Columbia University, and began his career as a teacher at Zion City Elementary School and Westfield High School; and

WHEREAS, following service in the military, he resumed his career and served at Brighton and Parker High Schools, and as principal of Acmar Junior High School and St. Clair County Training School prior to his appointment as Assistant Superintendent; and

WHEREAS, he is an active and involved member of St. Paul Methodist Church, a member of a number of professional and fraternal organizations, and has served on numerous advisory committees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and contributions to education, we hereby most highly commend Walter Malcolm Kennedy, for whom a copy of this resolution shall be provided with sincere regard and best wishes for continued happiness and success in retirement.

Approved April 12, 1994

Time: 5:13 P.M.

Act No. 94-427

H.J.R. 347 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING FRANK HARDY FOR HIS CONTRIBUTIONS TO THE SELMA YOUTH DEVELOPMENT CENTER.

WHEREAS, Frank Hardy, a 37-year-old native of Selma, Alabama, left Selma to pursue prosperous employment on off-shore

oil drilling rigs, maintaining a dream to return home and to utilize his artistic and athletic skills to help the youth of Selma; and

WHEREAS, in July 1989, Mr. Hardy's dream was realized with the creation of the Selma Youth Development Center, where the youth of Selma could master the sport of boxing and receive instruction in artistic pursuits, or both; the Center has survived and thrived since its inception and original housing in a dilapidated building, and is now located in the East End School building, previously abandoned because of consistent flooding; and

WHEREAS, Mr. Hardy has persistently and selflessly devoted his energies and funds to ensure that the success stories of the Center, involving youth that were exposed to broken homes, drugs, and unsavory elements of society, continue; and

WHEREAS, Frank Hardy, is a dedicated and tireless volunteer who is a "firm believer in trying to provide boys and girls with positive influences"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his contributions to the Selma community, and outstanding volunteer service to the youngsters of Selma, we hereby most highly commend Frank Hardy of Selma, Alabama, for whom a copy of this resolution shall be provided.

Approved April 12, 1994

Time: 5:14 P.M.

Act No. 94-428

H.J.R. 546 - Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING MR. LARRY LAKES ON HIS BOXING ACCOMPLISHMENTS.

WHEREAS, the Alabama Legislature notes with appreciation the impressive boxing accomplishments of Mr. Larry Lakes of Selma, Alabama; and

WHEREAS, Mr. Lakes, who fights out of the Selma Youth Development Center under the expert eye of coach Frank Hardy, recently won the prestigious southeastern regional championship in New Orleans, Louisiana, and

WHEREAS, that victory earned the talented 147 pound welterweight an invitation to try out for the USA Amateur Boxing

Federation Team in Colorado Springs, Colorado, recognition which attest to the promise and talents of this fighter; and

WHEREAS, we note and congratulate Mr. Lakes on his personal philosophy of self-discipline and respect for others and applaud his determination and desire to graduate from high school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily support the impressive boxing career of Mr. Larry Lakes, commend this dedicated fighter on his pursuit of a place on the United State Olympics Team and a career in professional boxing, and sincerely wish him success in the ring and in life.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Lakes so that he may know of our interest.

Approved April 12, 1994

Time: 5:15 P.M.

Act No. 94-429

H.J.R. 349 – Rep. Box

HOUSE JOINT RESOLUTION

COMMENDING THE SATSUMA HIGH SCHOOL VARSITY CHEERLEADING SQUAD FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama most heartily congratulates the 1993-1994 Satsuma High School Cheerleading Squad on their appearance at the 1994 Senior Bowl in Mobile; and

WHEREAS, the members of the Satsuma High School Varsity Cheerleading Squad, which was selected for this outstanding honor on a competitive basis, are: Captain Amy Smallwood, Co-Captain Lee Robbins, Jennifer Brown, Kelly Turner, Stephanie Harris, Donna Carter, Brandi Landrum, Stacy Fuller, Nia Black, Melissa Patterson, Tammy Tarver, and Wendy Singleton, along with "Gator" mascot Dewayne Hilliard, who also was featured at the 1994 Senior Bowl; and

WHEREAS, sponsored by faculty member Donna Salter, the Satsuma High School Varsity Cheerleaders are a very talented group, whose performance at the Senior Bowl was a great credit to

themselves, their school, community, and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the Satsuma High School Varsity Cheerleading Squad on their selection to appear at the 1994 Senior Bowl in Mobile, and do further direct that copies of this resolution be forwarded to Principal Lee Shoquist for presentation to each member of the Squad, Sponsor Donna Salter, and the "Gator" mascot, with a copy also provided for appropriate school display.

Approved April 12, 1994

Time: 5:16 P.M.

Act No. 94-430

H.J.R. 350 – Rep. Butler

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DONALD C. DUPREE OF MONROVIA, ALABAMA.

WHEREAS, the Legislature of Alabama, in deep and abiding sorrow, herein records the untimely death of Donald C. Dupree of Monrovia, Alabama, on March 25, 1994, at the age of just 50 years; and

WHEREAS, a native of Monrovia, and a veteran of 28 years with the Huntsville Police Department. Donald Dupree was a dedicated and outstanding law enforcement official, whose impeccable record speaks highly of his unswerving commitment to duty throughout his long and illustrious career; and

WHEREAS, additionally, he was a member of the Fraternal Order of Eagles, the Monrovia Young Men's Club, the Elks Lodge, the American Legion which honored him in 1988 as Police Officer of the Year and was assistant director of the Huntsville Area Crimestoppers; and

WHEREAS, Donald Dupree also was a symbol of courage and hope to all those who battle the ravages of heart disease, as prior to his lamentable death, he was one of the two surviving patients of only 15 ever to receive a second "piggy-back" heart; and

WHEREAS, Mr. Dupree, who, after receiving his second heart, became active in support of other transplant patients by promoting

organ donation in the Huntsville Police Department as well as in civic clubs, churches, and other community organizations; he further was involved with endeavors of the Alabama Organ Center, helped the Huntsville Hospital Foundation raise \$22,000 for heart research, and was founding vice-president of the UAB Hospital Heart-Lung Transplant Support Group; and

WHEREAS, unfortunately, as a result of cancer surgery in late 1993, it was necessary to reduce Mr. Dupree's dosage of rejection drugs and, just shortly before his death, his body rejected the second heart he had received on Christmas Eve, 1987; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of Donald C. Dupree of Monrovia, Alabama, and extend our very deepest sympathy to his wife, Mrs. Barbara Dupree, and son, Jason Dupree; his mother, Mrs. Zuba Dupree, and brother, Gerald Dupree; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

Approved April 12, 1994

Time: 5:17 P.M.

Act No. 94-431

H.J.R. 351 – Rep. Rogers (J)

HOUSE JOINT RESOLUTION

COMMENDING MARSHALL E. MCGHEE FOR DISTINGUISHED PROFESSIONAL SERVICE.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes Marshall E. McGhee, of McGhee & Associates, a consulting firm located in Houston, Texas, for his long and distinguished career in the field of cooperative education; and

WHEREAS, Mr. McGhee's present consulting service extends into the areas of assessment, business formation and expansion, education, grantsmanship, human resource training, management, marketing, planning, sales training, and utilization of the micro-computer in the job task; and

WHEREAS, prior to performing consulting work, Marshall McGhee served as Dean of the College of Experimental Education at Daniel Hale Williams University in Chicago, Illinois, and as the Director of Central State University-West at Central State University in Wilberforce, Ohio; and

WHEREAS, a prominent past and present member of many professional organizations, Mr. McGhee has chaired or presided over such associations as the Ohio Cooperative Education Association, and the Midwestern Cooperative Education Association; and

WHEREAS, throughout his impressive career, Marshall McGhee has been the recipient of numerous certificates of appreciation and honors; and

WHEREAS, Mr. McGhee's clientele includes, among other notable organizations, the Center for Cooperative Education in Community Colleges, Georgia Southern College, Minority Business Training and Resource Center, National Commission for Cooperative Education, Temple University, Texas A & M University, and the Virginia Polytechnic Institute and State University, to name but a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we publicly commend and salute Marshall E. McGhee for his outstanding career and professional achievement in education and business.

BE IT FURTHER RESOLVED, That as a symbol of our high esteem and respect, a copy of this resolution be provided to Mr. McGhee.

Approved April 12, 1994

Time: 5:18 P.M.

Act No. 94-432

H.J.R. 352 – Reps. Rogers (J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall (A), Hall (L), Hamilton, Hammett,

Haney, Harper, Harvey,
 Hawkins, Haynes,
 Higginbotham, Hill,
 Hilliard, Hogan, Holladay,
 Holley, Holmes, Hooper,
 Johnson, Kennedy,
 Knight (A), Knight (J),
 Kvalheim, Laird, Layson,
 Letson, Lindsey, Mathis,
 McClain, McDaniel,
 McDowell, McKee,
 McMillan, Melton, Mikell,
 Millican, Morrow, Morton,
 Newton (C), Newton (D),
 Page, Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey, Thomas,
 Turner, Turnham,
 Venable, Walker, Warren,
 White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

RECOGNIZING BRISTO WILLIAM REESE FOR HIS HISTORICAL LEADERSHIP OF THE STATE OF ALABAMA, 1872-1876.

WHEREAS, the Legislature of Alabama herein acknowledges the contributions of Bristo William Reese to the illustrious history and in leadership of the State of Alabama, in his capacity as the first black to represent Hale County in the Alabama House of Representatives, having served from 1872 to 1876; and

WHEREAS, born circa 1833 in South Carolina, Bristo Reese was living in Greensboro in Hale County at the time of the 1870 census, and included in the official count of household members were his wife, Lucy Ann, born in Alabama; their daughter, Polly, age four, and son, Henry, age one, both of whom were born in Alabama; and Mr. Reese's 90-year-old mother, Milly, whose birthplace is listed as South Carolina; and

WHEREAS, according to the 1880 census, five other children had been born to Bristo and Lucy Ann Reese, a son Mat, and daughters Sally, Rosanna, Sarah and Louisa; Susan, age 51 and

born in South Carolina, also was listed as living with the Reese family and, quite possibly, was Bristo Reese's sister; and

WHEREAS, the census records for 1890 were destroyed by fire and in the 1900 census, no record of the Bristo Reese family appears among Hale County households; according to family records, however, Susie R. G. Butler, exact birth date unknown, was also a daughter of Bristo and Lucy Ann Reese whose known direct descendants are hereinafter enumerated:

(1) Son, Henry Reese; grandchildren, Butch Reese, Clarence Reese, John Ed Reese, Alphonso Reese, Bob White, Iola Reese Thomas, Tim Reese, and Henry Reese, Jr.; great grandchildren, Harriett Reese Barnes, Clarence Reese, Jr., and Lillie Reese Johnson.

(2) Daughter, Lou Reese Bell; grandchildren, Marie Bell Webster, Mary Frances Bell Howard, Catherine Bell, and James Bell; great grandchildren, Maggie Bell Howard, Mance Howard, and Catherine Howard.

(3) Daughter, Susie Reese Gray Butler; grandchildren, Alice Gray Wallace, Briscoe William Butler, and John Walter Butler; great grandchildren, Samuel Wallace, Henderson Wallace, III, and Joyce Wallace Thomas; great-great grandchildren, Michelle Wallace, Vivica Wallace, Vincent Wallace, Olivia Wallace, Andrea Wallace, Clintonia Wallace, Derick Wallace, Chauncey Wallace, Sinceray Phillips, Elliott Wallace, Wanda Thomas Greenwood, and Barry Eugene Thomas; great-great-great grandchildren, Charlette Williams, Elliott Wallace, Jr., Lovell Greenwood, Jr., Kala M. Greenwood, Fredrick E. Greenwood, Ferrell M. Greenwood, Nickolas Scott, Danta Wallace, Jade Pinay Thomas, and Keyanna E. Thomas.

(4) Daughter. Rosa Reese: granddaughter. Leona Reese Hubbard Cartwright; great grandchildren, Mattie Hubbard Malone and Benny Hubbard; great-great grandchildren, Samuel T. Malone, Jr., Carol Ann Malone, Leona H. Butler, Delois H. Branch, Sylvia R. Johnson, Janice B. Bush, Edward E. Hubbard, Deborah Richardson, and Jermaine Hubbard; great-great-great grandchildren, David Branch, Donnell B. Stubbleville, Darrell A. Branch, Cammille A. Haynes, Cristyne E. Bush, Edward E. Hubbard, II, James E. Richardson, and Joshua Richardson; great-great-great-great grandchildren, Gabriel M. Stubbleville, Kenia D. Stubbleville, and Dwayne A. Haynes; and

WHEREAS, Bristo William Reese is indeed deserving of posthumous recognition for historical prominence, his contributions in leadership to the State of Alabama, and for the proud legacy he left his descendants, through and unto the sixth generation of his lineage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commemorate the life and service of Bristo William Reese, and direct that his family be provided with a copy of this resolution, which has been executed in tribute to their illustrious ancestor.

Approved April 12, 1994

Time: 5:19 P.M.

Act No. 94-433

H.J.R. 354 – Rep. Turner

HOUSE JOINT RESOLUTION

DESIGNATING “THE MAGNOLIA TRAIL.”

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we name and designate that certain portion of U.S. Highway 45 commencing from State Highway 158 in Mobile County to the Washington County line “The Magnolia Trail.”

BE IT FURTHER RESOLVED, That the proper authorities are authorized to erect appropriate signs and markers identifying “The Magnolia Trail.”

Approved April 12, 1994

Time: 5:20 P.M.

Act No. 94-434

H.J.R. 275 – Rep. Clay

HOUSE JOINT RESOLUTION

COMMENDING MS. ELAINE F. THOMAS OF TUSKEGEE, ALABAMA, MS. SENIOR ALABAMA 1994.

WHEREAS, it is with great pride and pleasure in her accomplishments that the Legislature of Alabama congratulates Elaine F. Thomas as our reigning Ms. Senior Alabama 1994, a prestigious honor accorded Ms. Thomas in pageant state finals in Birmingham; and

WHEREAS, Ms. Thomas, retired chair of the Art Department, Colleges of Arts and Sciences, Tuskegee University, is a graduate

of Tuskegee University, holds a Master's degree from New York University, and pursued further study at several prestigious colleges and universities on the national and international level; and

WHEREAS, Ms. Thomas has served in several prominent positions, including Director/Curator at the George Washington Carver Museum, Tuskegee University; National Park Service Collaborator, Tuskegee University and Harper's Ferry, Virginia; National Endowment for the Arts Expansion Arts Panelist, Washington, D.C.; and U.S. Department of State Foreign Service Officer Evaluator, Washington, D.C.; and

WHEREAS, Ms. Thomas has had numerous executive committee membership affiliations on the local, state, and national level, has received extensive recognition for research achievements and presentations, and is the recipient of numerous awards and citations including numerous awards of merit; she has also performed outstanding civic service to Tuskegee University, including chairing the National Historic Site Advisory Committee; is renowned nationally as a consultant, and is an active member and the organizer at Saint Andrew's Episcopal Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and contributions and on her selection as Ms. Senior Alabama 1994, we hereby most highly commend Ms. Elaine F. Thomas, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved April 12, 1994

Time: 5:21 P.M.

Act No. 94-435

H.J.R. 276 – Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING ANNE JOLLY OF MOBILE, ALABAMA, AS STATE OF ALABAMA TEACHER OF THE YEAR, 1992-1993.

WHEREAS, in consensus of commendation, the Alabama Legislature notes the selection of Anne Jolly of Mobile, Alabama, as 1992-1993 State of Alabama Teacher of the Year; and

WHEREAS, a graduate of the University of Alabama, Ms. Jolly teaches Science and is the head of the Science Department at Phillips Preparatory School; she centers her classroom teaching

around laboratory experimentation and hands-on experiences, encouraging students to question and investigate and, over her dedicated tenure, has had a significant impact on the lives and accomplishments of her students; and

WHEREAS, additionally, in an ongoing effort to improve education for all students in Alabama, she also writes science curriculum materials and interactive science videos for use with the middle school students, and conducts science workshops for teachers on local, state, and national levels; and

WHEREAS, Ms. Jolly is a staunch advocate for children and education and further serves her profession as a member of numerous organizations, including Hillcrest Baptist Church as a member, children's director, and Sunday School worker for 21 years; she also writes children's curriculum for the Southern Baptist Sunday School Board; and

WHEREAS, in tribute to her accomplishments, she has been chosen as recipient of numerous honors and awards including Outstanding Middle School Teacher in Mobile County, Outstanding Educator of the Year by the Mobile County PTA, and Teacher of the Year in Alabama by the Bryan Food For Thought Educational Program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions in the field of education, and her selection as State of Alabama Teacher of the Year 1992-1993, we hereby most highly commend Anne Jolly of Mobile, Alabama, for whom a copy of this resolution shall be provided.

Approved April 12, 1994

Time: 5:22 P.M.

Act No. 94-436

H.J.R. 280 – Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING S. TRUETT CATHY FOR OUTSTANDING ACHIEVEMENT AND MAKING HIM AN HONORARY CITIZEN OF ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes the many remarkable accomplishments in business and education of S. Truett Cathy, a native of Georgia,

who has been an innovative restaurateur and fast food marketer since 1946, and who, in the 1960s, established the first of what is now a 400-unit chain of Chick-fil-A fast food restaurants which initiated the surge of interest in chicken products and the self-serve food industry of the suburbs; and

WHEREAS, Mr. Cathy, a man of exceptional vision and industry, established the WinShape Centre Foundation, a cooperative plan for worthy collegiate students to receive scholarships and live on totally equipped campuses with no obligations; and

WHEREAS, S. Truett Cathy is a dedicated husband, father, and grandfather who has taught Sunday School for over 30 years and is an outstanding role model for our youth who hold a special niche in his heart; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend Mr. S. Truett Cathy on his many remarkable achievements in business and education, and, in high esteem thereof, do hereby declare that Mr. S. Truett Cathy is an honorary citizen of the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be provided to Mr. Cathy so that he may know of our high regard and this grant of honorary citizenship in the great State of Alabama.

Approved April 12, 1994

Time: 5:23 P.M.

Act No. 94-437

H.J.R. 281 – Rep. Newton (D)

HOUSE JOINT RESOLUTION

COMMEMORATING THE LIFE AND SERVICE OF THE LATE MRS. RUTH B. COOK OF FAIRFIELD, ALABAMA.

WHEREAS, it is with highest honor that the Alabama Legislature pays tribute to the life and service of the late Mrs. Ruth B. Cook of Fairfield, Alabama; and

WHEREAS, Mrs. Cook, a native of Fairfield, graduated with honors from Fairfield Industrial High School, received her Bachelor of Arts Degree from Miles College, and earned her Master's Degree in Education from Tuskegee Institute; and

WHEREAS, a noble lady of deep and abiding faith, she was an active member of the First Baptist Church of Fairfield where she

provided invaluable service as a church school worker, as chairman of the church's first Annual Friends Day, and in leadership to the Historical Committee, Youth Usher Board, Missionary Society, Literary Missionary Guild, and Scholarship Committee; and

WHEREAS, she also contributed generously of her time and energy to the community she loved, serving as the first woman Commissioner of the Fairfield, Alabama Housing Authority, as a member of the Fairfield Democratic Women's Organization and Board of Directors of the Fairfield Teachers Credit Union, and as an election Law Commissioner of the State of Alabama; and

WHEREAS, Mrs. Cook, a dedicated educator, taught for 35 years and served as chairman of the Social Studies Department of Fairfield Industrial High School and as teacher of history at Fairfield High School, her position at retirement in 1980; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with sincere tribute that we honor the life and service of Mrs. Ruth B. Cook, of Fairfield, Alabama, a truly great lady who gave so much to her community and to the benefit of her fellow man.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for her son, Attorney Rufus Cook, that he may know of our sincere regard and esteem.

Approved April 12, 1994

Time: 5:24 P.M.

Act No. 94-438

H.J.R. 282 – Rep. Hall (A)

HOUSE JOINT RESOLUTION

COMMENDING THE BUCKHORN HIGH SCHOOL LADY BUCKS AS THE 1994 STATE CLASS 4A GIRLS BASKETBALL CHAMPIONS.

WHEREAS, it is with heartiest congratulations that the Alabama Legislature commends the Buckhorn Lady Bucks on the spectacular success of the 1994 basketball season and on their achievement in state competition; and

WHEREAS, under Head Coach Matt Hubbard, ably assisted by Coach Matt Dean, the Lady Bucks, with an impressive 27-4 record, finished the season as Madison County Champions, 4A-Area 14 Champions, Northeast Regional Champions, and State Class 4A Champions; and

WHEREAS, greatly contributing to these accomplishments were Meshonda Battle, April McCutcheon, Heather McDonald, Cheryl Wooden, Heather Hall, Lauren Williams, Erica Fanning, Kandice Kaminsky, Amy Goins, Kelli Sisson, and Ja'net Crutcher; and

WHEREAS, highlighting this outstanding team effort were Meshonda Battle, All-Area, All-County Tournament, All-Northeast Regional (M.V.P.), All-State Tournament Team; Lauren Williams, All-Area, All-County Tournament, All-Northeast Regional Tournament Team, All-State Tournament Team; Heather Hall, All-Area, All-County Tournament (M.V.P.), All-State Tournament Team (M.V.P.); and Kandice Kaminsky, All-Area; and

WHEREAS, cheering the team to victory from the sidelines were Varsity Cheerleaders: Rachael Allbritten, Stefanee Aritas, Tiffinie Caldwell, Mandy Coons - Captain, Heather Cunningham, Natasha Hoffmeister, Staci King, Brandl McGregor - Co-Captain, Latoni Montague, Dana Robbins, and Darla Wilson; and Junior Varsity Cheerleaders: Ashley Adams, Tabitha Bradford, Anna Dobbins - Captain, Robin Durham, Amelia Johnson, Carol Ann Jones, Stacey McAnally, Lori McCulley, Amber Smithwick, Tara Steakley, Stephanie Thomas - Co-Captain, and Amy Wharton; along with coaches Karen H. Payne and Lisa K. Power; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coaches Matt Hubbard and Matt Dean and the Buckhorn High Lady Bucks as the 1994 State Class 4A Girls Basketball Champions, and further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved April 12, 1994

Time: 5:25 P.M.

Act No. 94-439

H.J.R. 283 – Rep. Cullins

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JAMES TANNER OF ALEXANDER CITY ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends heartiest congratulations to Mr. and Mrs. James Tanner of Alexander City, Alabama, on their Fiftieth Wedding Anniversary; and

WHEREAS, James and Agnes Tanner were married in New York on February 15, 1994, and, over the past 50 years, their commitment to the ideals of marriage has enriched their lives, and has inspired all those who have witnessed their devotion; and

WHEREAS, former residents of New York, they met at a United Service Organization dance while James was in the service during World War II, and moved to Alex City in 1982; they are the loving parents of two daughters, Terry and Joanne, and adoring grandparents to Scott, Eric, and Brian; and

WHEREAS, Agnes and James Tanner have indeed set an outstanding example of a lasting marital partnership, in which both partners are greatly admired and respected within the community and by their family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in the joyful celebration of the Golden Wedding Anniversary of Mr. and Mrs. James Tanner of Alexander City, Alabama, for whom a copy of this resolution shall be provided, with warm best wishes for many more years of good health and happiness in their life together.

Approved April 12, 1994

Time: 5:26 P.M.

Act No. 94-440

H.J.R. 284 – Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING JAMES CULLINS ON HIS DISTINGUISHED LEGISLATIVE SERVICE AND CONTRIBUTIONS TO COMMUNITY AND STATE.

WHEREAS, it is with highest esteem and in sincere friendship that the members of the Legislature of Alabama commend James Cullins of Alexander City on his outstanding legislative tenure, and for his many contributions to his community and the State of Alabama; and

WHEREAS, a minister of the Gospel, Mr. Cullins holds undergraduate and master's degrees in philosophy and Bible from American Bible Institute, and from Alabama Christian School of Religion, respectively; and

WHEREAS, a member of the House of Representatives from District 81, Mr. Cullins' legislative tenure has been marked with accomplishments through service on such important committees

as Business and Labor, and Public Welfare, and he has most ably represented the best interests of both his own constituents and those of all Alabamians; and

WHEREAS, he also boasts an enviable record of perfect attendance on all legislative days, and has never missed one of his committee meetings, an achievement that few of our colleagues can match; and

WHEREAS, James Cullins, a man of great integrity and honor, and one who possesses a keen wit and sense of humor, has been further blessed with his wife, Margarete, who has been his faithful companion for 42 years, and has been at his side, at all times, during the four years he has served in the Legislature; and

WHEREAS, Mr. Cullins also has been a blessing to the Legislature in setting a Christian example, and it is with deep regret that we learn of his decision not to seek reelection; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding public service, we hereby commend Representative James Cullins, whom we hold in warmest personal regard, and for whom a copy of this resolution shall be provided, with sincere best wishes extended to both James and Margarete that they experience many more years filled with happiness and joy in a union that has been richly blessed by God.

Approved April 12, 1994

Time: 5:27 P.M.

Act No. 94-441

H.J.R. 285 – Rep. Cagle

HOUSE JOINT RESOLUTION

COMMENDING THE LYNN HIGH SCHOOL BEARS ON THE OUTSTANDING SUCCESS OF THEIR 1993 FOOTBALL SEASON.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Lynn High School, Lynn, Alabama, on their outstanding 1993 football season which ended with a fantastic 9-3 overall record; and

WHEREAS, leading the mighty Bears to the County Co-Championship, the Area and Conference Titles, and to the second round of the State Class 1A Playoffs were Head Coach Dan Hogan and Assistant Coaches Mark Finley and Mike Voce; and

WHEREAS, Lynn High School, during their "never shut-out" season, also scored 325 points to their opponents' collective 217 points, and scored 26 points or more in nine out of twelve games for an average of over 27 points per game; and

WHEREAS, cheering their team to victory with great enthusiasm and leading the cheers of the school's administrators, staff, teachers and students, as well as countless other Lynn High School fans, were Varsity Cheerleaders Tanya Allred, Leigh Ann Hicks, Roxann McCarter, Sherry Lindley, Amanda Garrison, Stephanie Tittle, Cherry Dickinson, Angie Manasco, and Brandy Wiley, sponsored by Mrs. Tanya Hogan, while the "Bear" mascot was Georgie Mann; and

WHEREAS, members of the Lynn High School football team, each of whom contributed to the successful '93 season, are Seniors Jeremy Bell, Todd Ingle, Johnny Mann, Tommy Sanders, Bengie Stokes, Chris Tittle, and Todd Tittle; Juniors Jason Boren, Pat Boyd, Kevin Dickson, Greg Griffith, Doug Jones, Jerry Martin, Jonathon Sanford, and Phillip Smith; Sophomores Rickey Cagle, Daniel Griffith, Brent Jones, Robert Mote, Terrell Sawyer, and Kevin Tittle; and Freshman Travis Noel Barton; and

WHEREAS, throughout the season, the Bears' accomplishments were the result of an admirable team effort, and it is with great pleasure that we herein acknowledge and praise the dedicated hard work of each player; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the Lynn High School Bears on the resounding success of the 1993 football season, and do further direct that copies of this resolution be provided to Principal Ray Smoot for appropriate presentation and school display.

Approved April 12, 1994

Time: 5:28 P.M.

Act No. 94-442

H.J.R. 294 – Rep. Bryant

HOUSE JOINT RESOLUTION

COMMENDING THE ROBERT C. HATCH HIGH SCHOOL BOBCATS OF UNIONTOWN, ALABAMA, THE 1994 STATE CLASS 3A BASKETBALL CHAMPIONS.

WHEREAS, the Legislature of Alabama most heartily congratulates and commends the Robert C. Hatch High School Bobcats of

Uniontown, Alabama, on winning the 1994 State Class 3A Basketball Championship; and

WHEREAS, the Bobcats finished the regular season with an impressive 17-3 record and handily defeated Eutaw (103-80), Francis Marion (85-80), and Rehobeth (108-72) in the area play-offs, and the Washington County Bulldogs (91-73), and Elba (69-61), to take the Southern Regionals, and advanced to the final four of 3A State Competition in Birmingham; and

WHEREAS, ably directed by Coach Eugene Mason, the courageous Bobcats came from behind in the first quarter of the final match-up to edge the Colbert County Indians 75-68 and claim the State 3A Championship Title, their fourth State Title, and their second State Championship in seven years; and

WHEREAS, highlighting an outstanding team effort were All-Tournament Team Members William McCreary, Nigel Black, DeWayne Custard, and Dexter King, who was also voted Most Valuable Player, and Detrick Rencher, Theotis Dudley, Otis Hunter, Gregory Smith, Braderick Anderson, Christopher Patterson, Everett Bryant, and Jacob Waddy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Eugene Mason and the Robert C. Hatch High Bobcats as the 1994 State Class 3A Basketball Champions, and do further direct that copies of this resolution be provided for appropriate presentation and display.

Approved April 12, 1994

Time: 5:29 P.M.

Act No. 94-443

H.J.R. 297 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING CAPTAIN JOHN CLOUD OF THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, Captain John Cloud is an experienced state trooper who has dedicated many years in service to the Department of Public Safety, and to the people of Alabama; and

WHEREAS, Captain John Cloud has earned, and deservedly so, a reputation for being a hard worker, and a public servant who

is deeply committed to his profession, and to his responsibilities in protecting the lives, safety and property of the citizens of this state; and

WHEREAS, Captain John Cloud has been recognized, additionally, for both his capable administrative ability, and for his extensive knowledge of law enforcement activities at the local, state, and national levels; and

WHEREAS, Captain John Cloud offered his able assistance, in 1993, to help the Alabama Host Committee during the Southern Legislative Conference in Mobile by providing security for delegates and participants, and helping with other conference-related activities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Captain John Cloud for his invaluable assistance in providing security for the Southern Legislative Conference in Mobile, and for his dedicated endeavors in helping with countless other conference-related activities.

BE IT FURTHER RESOLVED, That we herein express our sincere appreciation to Captain Cloud, and direct that he receive a copy of this resolution of highest personal regard.

Approved April 12, 1994

Time: 5:30 P.M.

Act No. 94-444

H.J.R. 298 – Rep. Hooper

HOUSE JOINT RESOLUTION

CONGRATULATING THE MONTGOMERY SOUTHEAST BLUE ALL STARS ON THE EIGHT-YEAR-OLD YMCA STATE BASKETBALL CHAMPIONSHIP.

WHEREAS, it is with great pleasure that the Legislature of Alabama most heartily congratulates and commends the Montgomery Southeast Blue YMCA eight-year-old All Stars, and their coaches, on the 1993 State YMCA Basketball Championship; and

WHEREAS, beating Huntsville Central, Montgomery East, Huntsville Rural West, and Tuscaloosa Central in state tournament competition were Southeast Blue All Star Champions Sam

Blitz, David Boyd, Jai Miller, Burns Parker, Roddy Singleton, Drew Brendle, Daniel Winn, Spearman Cobb, Rocky Wool, and Richard Jones; and

WHEREAS, coaches Dan Blitz, Bob Jones, and Joe Espy provided the talented leadership and direction that carried this outstanding team of fine young athletes all the way to the top spot among all eight-year-old division competitors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Montgomery Southeast Blue eight-year-old basketball team on the 1993 State YMCA Championship, for whom copies of this resolution shall be provided, with best wishes for every continuing success in life.

Approved April 12, 1994

Time: 5:31 P.M.

Act No. 94-445

H.J.R. 299 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING THE MONTGOMERY SOUTHEAST BLUE NINE-YEAR-OLD ALL STARS, 1994 YMCA STATE BASKETBALL CHAMPIONS.

WHEREAS, in highest commendation, the Legislature of Alabama congratulates the Montgomery Southeast Blue nine-year-old All Stars as our 1994 YMCA State Basketball Champions, by virtue of victories over Prattville, Montgomery Southeast Gold, Huntsville Central, and Huntsville Rural East in the State Playoffs; and

WHEREAS, coached to the YMCA State Tournament Title by Doug Aman and Joe Espy, the Southeast Blue All Stars are Frank Aman, Bobby Trott, Alan Barnett, Perry Hooper, Drew Sullivan, Jeff Harris, Ty Tyson, Bradford Mitchell, Jackie Bushman, and Philip Sellers, each of whom greatly contributed to the resounding success of the '94 season, and to the capture of the State Crown; and

WHEREAS, the nine-year-old Southeast Blue All Stars, who in 1993 won the State Title in the eight-year-old division and then, as in 1994, were expertly led to the State Championship by Coaches Aman and Trott; and

WHEREAS, this outstanding team has indeed displayed an impressive array of talent, perseverance, and team spirit, which has won the admiration of their many, many fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement as back-to-back champions, we hereby most highly commend the Montgomery Southeast Blue nine-year-old All Stars, Coach Aman, and Coach Trott, for whom copies of this resolution shall be provided.

Approved April 12, 1994

Time: 5:32 P.M.

Act No. 94-446

H. 403 – Reps. Johnson, Letson, Holley,
Beasley, Newton (C),
Carothers, Mathis, Venable

AN ACT

Proposing an amendment to Section 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112, in order to permit the expenditure of public funds for the recognition of significant contributions by students, teachers, staff, and others to public education in Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

Section 94 of the Constitution of Alabama of 1901, as amended by Amendment No. 112, is amended to read as follows:

“Section 94

“(a) The legislature shall not have power to authorize any county, city, town, or other subdivision of this state to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become a stockholder in any corporation, association, or company, by issuing bonds or otherwise. The legislature may enact general, special, or local laws authorizing political subdivisions and public bodies to

alienate, with or without a valuable consideration, public parks and playgrounds, or other public recreational facilities and public housing projects, conditional upon the approval of a majority of the duly qualified electors of the county, city, town, or other subdivision affected thereby, voting at an election held for that purposes.

“(b) Notwithstanding the provisions of subsection (a), local school boards of education may expend public funds for the recognition of significant contributions to education in Alabama and to promote educational excellence by students, faculty, staff, and the public. Recognitions shall be in the form of trophies, plaques, academic banquets, and other honors that promote academic excellence in the public schools of Alabama and recognize special deeds that strengthen public education in Alabama.”

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House February 10, 1994

Passed the Senate April 12, 1994 as amended

House concurred in Senate Amendment April 12, 1994

Act No. 94-447

II. 106 – Reps. Bowling, Drake

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid

as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) The Legislature may by local act provide for the election of the members of the Cullman City Board of Education.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Cullman County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 4 of this act, and no further election shall be required.

(c) Act No. 93-536 which provides for an elected Board of Education in the City of Cullman is hereby ratified.

Section 2. An election upon the proposed amendment shall be held at the next general election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House January 25, 1994

Passed the Senate April 12, 1994 as amended

House concurred in Senate amendment April 12, 1994

Act No. 94-448

H.J.R. 300 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING THE MONTGOMERY SOUTHEAST BLACK 11-YEAR-OLD ALL STARS ON THE 1994 YMCA STATE BASKETBALL CHAMPIONSHIP.

WHEREAS, for the second time in three years, the 11-year-old Southeast YMCA All Stars, and their coaches, have won State Basketball Championships—in 1992, and again in 1994; and

WHEREAS, the talented young 11-year-old Southeast Black All Stars, to whom championships are becoming a habit, are Brian Cone, John Hunter Foshee, Derek Colvin, Wilbert Hamilton, Brett Eddins, John Sullivan, Whitt Steineker, Marcus Smith, Steven Dees, and Drew Dudley, and it is with great pleasure that we extend congratulations to each player, and to the coaches of champions, Sonny Cone and Art Steineker; and

WHEREAS, in the 1994 YMCA State Tournament Playoffs, Tuscaloosa Barnes, Selma, Tuscaloosa Central and Montgomery Bell Road were the formidable opponents who fell victim to the coaching strategy, and to the outstanding talent of the Southeast YMCA Black All Stars; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate the team members, and Coaches Cone and Steineker, of the Montgomery Southeast 11-year-old All Stars for outstanding achievement, and do further direct that they receive copies of this resolution of highest admiration and esteem.

Approved April 12, 1994

Time: 5:33 P.M.

Act No. 94-449

H.J.R. 305 – Rep. Turnham

HOUSE JOINT RESOLUTION

HONORING JACK L. WALTON OF OPELIKA, ALABAMA,
FOR DISTINGUISHED SERVICE.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the retirement, April 1, 1994, of Jack L. Walton, following 50 years of distinguished public service with the Alabama State Employment Service; and

WHEREAS, Jack Walton, who serves as Area Supervisor for the East Alabama area of the state for the Alabama State Employment Service under the Department of Industrial Relations, joined the service in 1944, as an entry level interviewer and, for the next 50 years, without interruption, advanced through

the ranks, serving successively as E.S. Office Manager, Manager of the Opelika Employment Service Office for some 20 years, and as Field Supervisor, the position he has so ably served for the past 12 years; and

WHEREAS, a native of Chambers County, and a lifelong resident of Lee and Chambers Counties, Mr. Walton has accomplished all of his career advancement in the Opelika Employment Service Office; and

WHEREAS, Mr. Walton, beyond career demands and responsibilities, has provided faithful leadership and service to his church, Trinity United Methodist, and numerous civic and service organizations in his community including Opelika Vocational Technical College and Southern Union State Junior College, the Achievement Center, Lee County Crippled Children's Service, Opelika Industrial Development Board and Lions Club, to name but a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, April 1, 1994, and in recognition of outstanding public service to the Alabama State Employment Service and the citizens of our state, we hereby most highly commend Jack L. Walton of Opelika, Alabama, for whom a copy of this resolution shall be provided, with sincere best wishes for every future happiness and success in retirement.

Approved April 12, 1994

Time: 5:34 P.M.

Act No. 94-450

H.J.R. 319 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING ROBERT DAVID RHOADES OF SELMA, ALABAMA, ON HIS SELECTION AS GOODWILL AMBASSADOR OF 1994.

WHEREAS, the Legislature of Alabama notes with pleasure that Robert David Rhoades of Selma, Alabama, was selected as the 1994 Goodwill Ambassador by the Muscular Dystrophy Association; and

WHEREAS, Robert David Rhoades, the 12-year-old son of Warren and Marie Rhoades, was selected by the Muscular Dystrophy Association to represent Alabama as Goodwill

Ambassador for 1994 because of his active support of the Muscular Dystrophy Association, including an appearance on statewide television at the Jerry Lewis Labor Day Telethon; and

WHEREAS, Robert David Rhoades has led a very active life in spite of the Duchenne form of Muscular Dystrophy which confines him to a power wheelchair; he is a dedicated fourth grader at Meadowview Christian School where his favorite subjects include English, spelling, and science, and is a loyal, active, and eager member of his church and Sunday School class; and

WHEREAS, the courage, joyful spirit, and love of life exhibited by Robert David Rhoades are sterling examples to all Alabamians and his distinctive recognition brings honor to Robert and our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Robert David Rhoades on being selected Goodwill Ambassador for 1994 by the Muscular Dystrophy Association, and direct that a copy of this resolution be provided with sincere warm regard to our friend, Robert David Rhoades.

Approved April 12, 1994

Time: 5:35 P.M.

Act No. 94-451

H.J.R. 320 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING NAPOLEON CLEAVER.

WHEREAS, the Legislature of Alabama notes with approval and anticipation the aspiring boxing career of Mr. Napoleon “Boo” Cleaver of Selma, Alabama; and

WHEREAS, “Boo” Cleaver has captured five trophies and two medals in only two boxing competitions, a sure indication of the vast potential of this young fighter; and

WHEREAS, Mr. Cleaver’s dedication to his sport is evident, he works out and spars each afternoon after school at the Selma Youth Development Center with his coach and the director of the center, Mr. Frank Hardy; and according to his coach has gotten his act together by improving his schoolwork and accepting personal responsibility for himself; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily

commend and encourage young "Boo" Cleaver on his boxing accomplishments and wish him good luck and great success both in the ring and in life.

BE IT FURTHER RESOLVED, That Napoleon Cleaver receive a copy of this resolution so that he may know of our sincere interest.

Approved April 12, 1994

Time: 5:36 P.M.

Act No. 94-452

H.J.R. 323 – Rep. Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING HARRY FOX ON RECEIVING THE MELVIN JONES FELLOWSHIP AWARD FROM THE LIONS CLUBS INTERNATIONAL FOUNDATION FOR DEDICATED HUMANITARIAN SERVICES.

WHEREAS, Harry Fox of Isabella in Chilton County is one of the county's busiest residents, giving freely and generously of his time, energy, and talents; and

WHEREAS, Fox, a retired state circulation director with the Birmingham News, has been active for over 43 years in the Lions Club; and

WHEREAS, Fox is also a 15 year veteran of the Chilton County Board of Education; and

WHEREAS, In 1969, Fox joined with Dr. Harvey Coker to found the Alabama Eye and Tissue Bank in Birmingham, Alabama, a foundation which has benefitted the vision of thousands of persons since its inception; and

WHEREAS, the Eye Bank now furnishes tissue to 140 eye surgeons over the nation and internationally; and

WHEREAS, Fox has been involved in numerous civic, charitable, religious, and community organizations; and

WHEREAS, Fox has most recently been honored by receiving the Melvin Jones Fellowship Award from the Lions Clubs International Foundation for Dedicated Humanitarian Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most

heartily commend Mr. Harry Fox on receiving the Melvin Jones Fellowship Award from the Lions Clubs International Foundation for Dedicated Humanitarian Services.

RESOLVED FURTHER, That a copy of this resolution be sent to Harry Fox that he may know of our appreciation for his services and contributions.

Approved April 12, 1994

Time: 5:37 P.M.

Act No. 94-453

H.J.R. 324 – Rep. Smith (C)

COMMENDING THE LOWERY QUARTET OF CHILTON COUNTY.

WHEREAS, for nearly six decades, the Lowery Quartet, Chilton County's oldest Gospel Music Quartet, has entertained thousands throughout the community and state; and

WHEREAS, the Lowery Quartet was organized in the mid-1930's by Earl "Pop" and Virginia "Mom" Lowery with "Pop" singing bass and "Mom" Lowery playing the piano; and

WHEREAS, the Lowerys, which originally was an all-family quartet consisting of brothers, sisters and other family members, and later children, has evolved and changed over the years; and

WHEREAS, today there are new voices and instruments, and the group, always in demand, is reaching new heights of popularity; they have appeared on television and have recorded a new tape "New Life Begins," which includes a song written by son, Mike Lowery, and other favorites including "Blood Wash Band," "Test of Time," and "Old Ship of Zion," to name a few; and

WHEREAS, current members of the Lowery Quartet are sons Mike and Gene Lowery, and Shawn Black and Carol Lynn Adams, vocalists; Lance Driskell (grandson of Earl Lowery), drummer; Debra Minor, pianist; Rob Colburn, bass guitarist; and occasionally, founder Earl "Pop" Lowery himself; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to the many years of entertainment pleasure they have brought to so many, we hereby most highly commend the Lowery Quartet of Chilton County, for whom a copy of this resolution shall be provided.

Approved April 12, 1994

Time: 5:38 P.M.

Act No. 94-454

H.J.R. 326 – Reps. Buskey, Kennedy

HOUSE JOINT RESOLUTION

COMMENDING LAKEESHA CANNON OF LEFLORE HIGH SCHOOL FOR EXTRAORDINARY ATHLETIC ACHIEVEMENT.

WHEREAS, Lakeesha Cannon, Alabama's Class 6A Basketball Player of the Year, and the only 6A player to be unanimously named to the Girls' All-State team by the Alabama Sports Writers Association, has been instrumental in LeFlore's success for the past four years; and

WHEREAS, starting as a freshman, Lakeesha has played guard, forward, and center for the Lady Rattlers which, this year, posted a 30-0 record to stand alone as the only high school basketball team in Alabama to achieve a perfect season record; and

WHEREAS, with Lakeesha Cannon setting the pace for the Lady Rattlers' games, LeFlore won its first-ever girls' State Title by soundly trouncing Austin 72-49; also, in the regional finals in Troy, LeFlore played its closest game, which was a 10-point victory over McGill-Toolen of Mobile; and

WHEREAS, Miss Cannon, who has well established her proficiency on the court, averaged 17 points, 10 rebounds, and 12 assists per game this past season, and these outstanding statistics reflect her regard as one of the best players in the state; and

WHEREAS, Lakeesha Cannon is further to be admired as an unselfish team player who is reluctant to take over a game, but is capable of turning the game in LeFlore's favor as evidenced by her aggressive play against Austin in the State Championship game to bring the Lady Rattlers from a 7-point deficit heading into the fourth quarter to a 72-49 score at the final whistle, by scoring 12 points in the last period of play, and a total of 22 for the game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and with best wishes for every continuing success in life, we hereby most highly commend Lakeesha Cannon of LeFlore High School, for whom a copy of this resolution shall be provided.

Approved April 12, 1994

Time: 5:39 P.M.

Act No. 94-455

H.J.R. 328 – Rep. Warren

HOUSE JOINT RESOLUTION

NAMING THE STEPHANIE MARIE FRAZIER MEMORIAL
BRIDGE IN CONECUH COUNTY.

WHEREAS, the Legislature of Alabama notes with great sadness the tragic death of Stephanie Marie Frazier of Evergreen upon the collapse of the bridge on Conecuh County Road 22 over Interstate 65 on May 19, 1993; and

WHEREAS, Stephanie was the daughter of John Dennis Frazier and Lavina Lynn Frazier; and

WHEREAS, Stephanie's untimely death at the age of 21 saddened and shocked the residents of Evergreen, Conecuh County, and the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge on Conecuh County Road 22 crossing Interstate Highway 65 (the 100 mile marker) be named the "Stephanie Marie Frazier Memorial Bridge" in honor and memory of the life of Stephanie Marie Frazier.

BE IT RESOLVED FURTHER, That a copy of this resolution be sent to John Dennis and Lavina Lynn Frazier.

BE IT RESOLVED FURTHER, That the proper officials are directed to place and maintain proper signs or markers designating the bridge as provided by this resolution.

Approved April 12, 1994

Time: 5:40 P.M.

Act No. 94-456

H.J.R. 329 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. JOE BILL SATTERFIELD
OF MONROVIA, ALABAMA.

WHEREAS, it is with a sense of great pride and deep admiration that the Legislature of Alabama notes the numerous contributions of Mr. and Mrs. Joe Bill Satterfield of Monrovia, Alabama; and

WHEREAS, over the past 30 years, Joe Bill and Betty Satterfield have immeasurably contributed their energies, time, and many talents to numerous social, civic, religious, charitable, professional, and humanitarian endeavors; and

WHEREAS, employed by Huntsville Utilities for 27 years, Joe Bill is an active member of Monrovia Volunteer Fire Department and the Monrovia Men's Club; he is also an Emergency Medical Technician and is the bus driver for Mt. Zion Baptist Church's Wednesday night service; he further coached basketball for the YMCA and is a past president of the Monrovia Athletic Booster Club; and

WHEREAS, "Miss Betty," the secretary of Monrovia School, is a devoted and active member of the Mt. Zion Baptist Church, where she sings in the Adult Choir and has participated as G.A. Leader, Acteens Leader, and the Children's Choir teacher; she is also a member of the Monrovia Volunteer Fire Department, an EMT Intermediate, past president of the Monrovia Band Boosters, past secretary of the Monrovia PTA, and for five years was the Monrovia School cheerleaders sponsor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate this exemplary couple, Mr. and Mrs. Joe Bill Satterfield of Monrovia, Alabama, for their significant and lasting contributions to the people of their community and state, and direct that a copy of this resolution be presented as evidence of our deep appreciation and warmest personal regard.

Approved April 12, 1994

Time: 5:41 P.M.

Act No. 94-457

H.J.R. 330 – Reps. Biddle, Payne

HOUSE JOINT RESOLUTION

COMMENDING THE STUDENT TEAMS OF BRAGG JR. HIGH SCHOOL AND GARDENDALE ELEMENTARY SCHOOL OF GARDENDALE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with greatest pleasure that the Alabama Legislature recognizes the student teams of Bragg Jr. High and Gardendale Elementary Schools of Birmingham, Alabama, on their 1st place win in state competition at the recent Alabama

Future Problem Solving Bowl in Tuscaloosa and as consequent participants in international competition; and

WHEREAS, the student teams of Bragg Jr. High and Gardendale Elementary, who, under the able leadership and direction of Coaches Catharine D. Beaudrie and Rhonda Duncan, respectively, achieved championship recognition for their work at the annual Future Problem Solving Competition which dealt with robotics, Antarctica and endangered animals; they subsequently claimed 1st place in State Competition at the Alabama Future Problem Solving Bowl in Tuscaloosa, March 11-12, and will be competing for international acclaim at the International Future Problem Solving Conference in Ann Arbor, Michigan, in June; and

WHEREAS, participating in the event will be Bragg Jr. High team members, Adam Summerlin, Randy Reeves, Michael Stewart, Jeremy Gay, Chris Scott, Elisabeth Beaudrie, and Abbie Davidson; and from Gardendale Elementary, Sally Wicker, Erin Callametti, Adrienne Miller, Traci Giles, Jenana Lee Thompson, Jessica McCain, and Rebecca Thomas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the student teams of Bragg Jr. High and Gardendale Elementary Schools of Gardendale, Alabama, for their outstanding achievement, and extend very best wishes for every future success.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display.

Approved April 12, 1994

Time: 5:42 P.M.

Act No. 94-458

H.J.R. 338 – Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING DR. JOHN MOLAND, JR., OF ALABAMA STATE UNIVERSITY.

WHEREAS, the Legislature of Alabama is pleased to note and to most highly commend Professor John Moland, Jr., of Alabama State University (ASU) on his selection as president of the Southern Sociological Society (SSS) during the organization's fall elections; and

WHEREAS, Professor Moland, Chairman of the History and Sociology Department at Alabama State University, and an acknowledged specialist in race relations, received his BA and MA degrees from Fisk University, and earned his doctorate at the University of Chicago; and

WHEREAS, his distinguished professional career includes faculty appointments at Florida A and M, Fisk, Grambling State, and Southern University, and he has been recognized with such distinctions as the W.E.B. DuBois Award, LaVerne Noyes and Sidney-Hillman Scholarship; and

WHEREAS, a very active member of SSS, Dr. Moland has served on the Executive, Program, Membership, Honors, and Golden Anniversary Committees, having chaired many of these, and also has provided leadership to the Society as its vice president; his representation in other professional associations, including ASA, is equally as impressive, and he consequently is held in utmost regard by his many peers and associates who recognize his professional achievement and service as exemplary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate John Moland, Jr., of Alabama State University, and president-elect of the Southern Sociological Society, and we do further direct that he receive a copy of this resolution of sincere esteem, which has been executed in tribute to his countless other professional accomplishments.

Approved April 12, 1994

Time: 5:43 P.M.

Act No. 94-459

H.J.R. 340 – Rep. Richardson

HOUSE JOINT RESOLUTION

COMMENDING COMPANY B OF THE 151ST ENGINEER COMBAT BATTALION OF SCOTTSBORO, ALABAMA, ON THEIR 44TH REUNION.

WHEREAS, the former members of Company B, 151st Engineer Combat Battalion of Scottsboro, Alabama, will hold their 44th Reunion on August 13, 1994; and

WHEREAS, on August 14, 1950, this Alabama National Guard Battalion, consisting of one hundred sixty-three members, was activated for duty in the Korean Conflict; and

WHEREAS, commanded by Captain Charles R. Bradford, and aided by a small number of veterans of World War II, Company B continued its basic training at Fort Campbell, Kentucky; and

WHEREAS, Company B, composed mostly of young, inexperienced men, some still of high school age, departed for deployment in Korea in January 1951, during the height of the Korean Conflict; and

WHEREAS, while serving in Korea, Company B was cited many times for meritorious service, receiving the Korean Service Medal, Presidential Citation from the government of South Korea, and a citation from the I Corps commander; and

WHEREAS, Company B became known as the "Number One Bridge Building Company" for its ability to construct bridges in record time under extreme combat conditions; and

WHEREAS, after their tour of duty in the Korean Conflict, the members of Company B returned to Scottsboro, Alabama, with all its one hundred sixty-three members—three were wounded; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of their 44th Reunion, August 13, 1994, and in recognition of exemplary and valiant service to their country, we hereby most highly commend and honor the members of Company B of the 151st Engineer Combat Battalion of Scottsboro, Alabama, in whom we take great pride, and for whom copies of this resolution shall be provided.

Approved April 12, 1994

Time: 5:44 P.M.

Act No. 94-460

H. 761 – Rep. Mathis

AN ACT

Relating to Geneva County; authorizing the county commission to levy an additional ad valorem tax and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to subsection (f) of Amendment No. 373 of the Constitution of Alabama of 1901, the Geneva County Commission may levy, in addition to any other tax, an ad valorem tax in the amount of 2 mills on each dollar of taxable property in

the county. The revenue from the additional tax shall be paid to the county general fund to be used for the operation and maintenance of the county courthouse.

Section 2. The increase in the rate of the tax as provided by this act is subject to the approval of a majority of the qualified electors of the county who vote on the proposed increase at the next general, primary, constitutional, or special election held for that purpose.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:45 P.M.

Act No. 94-461

H. 763 – Rep. Mathis

AN ACT

Relating to Geneva County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In Geneva County, the total fee for issuance of a permit to carry a pistol as provided by Section 13A-11-75, Code of Alabama 1975, shall be fifteen dollars (\$15) per year. Ten dollars (\$10) of the amount shall be paid to the sheriff's department to be used for law enforcement purposes and five dollars (\$5) shall be paid to the county commission for the county general fund. The fee provided by this act shall be in lieu of all other pistol permit fees required by law.

Section 2. All laws or parts of law which conflict with this act are repealed. Act No. 75, H. 44, 1967 Regular Session (Acts 1967, p. 536) and Act No. 81-368, H. 897, 1981 Regular Session (Acts 1981, p. 536) are specifically repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:46 P.M.

Act No. 94-462

H. 764 – Rep. Mathis

AN ACT

Relating to Geneva County; authorizing the county commission to levy a special recording fee in addition to all existing recording fees and charges for each document filed for record in Geneva County; to provide for the deposit of the revenue in the general fund of the county on a monthly basis to be used for general county purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. In Geneva County, upon the passage of a resolution by the county commission at a regularly scheduled meeting, the county commission may levy a special recording fee of three dollars (\$3) which shall be paid to the county and collected by judge of probate with respect to each real property instrument and each personal property instrument that may be filed for record in the office of the judge of probate and for the recording of other instruments and documents in the probate office. After the levy of the fee provide by this act, no the instrument shall be received for record in the office of the judge of probate unless the the special recording fee of three dollars (\$3) is paid. The special recording fee shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the probate office at the discretion of the county commission. All special recording fees collected shall be deposited on a monthly basis in the county general fund by the office of the judge of probate to be used for general county purposes.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:47 P.M.

Act No. 94-463

H. 783 – Rep. Layson

AN ACT

Relating to Pickens County; to amend Act No. 87-511, H. 946, 1987 Regular Session, which provides for the expense allowance of the county coroner and to further provide for compensation of the county coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pickens County, Section 1 of Act No. 87-511, H. 946, 1987 Regular Session, is amended to read as follows:

“Section 1. The Pickens County Coroner shall receive a salary in the amount of two hundred dollars (\$200) per month. In addition, the coroner shall receive an expense allowance in the amount of two hundred dollars (\$200) per month. The compensation provided in this act shall be paid from the county general fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:48 P.M.

Act No. 94-464

H. 835 – Rep. Blakeney

AN ACT

Relating to Marengo County; authorizing the county commission to call a referendum concerning emergency telephone service.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marengo County, the county commission may call an election on whether or nor the qualified electors want to adopt the emergency telephone service, E-911, pursuant to Section 11-98-5, Code of Alabama 1975. The election shall be held at the next general, special, constitutional, or county election in Marengo County.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:49 P.M.

Act No. 94-465

H. 865 – Rep. Knight (A)

AN ACT

Relating to Bibb County; authorizing the county commission to collect certain local taxes, licenses, fees, and other fees, charges, and revenues, currently being collected by the State Department of Revenue that are levied by the county commission pursuant to local law.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Bibb County may establish and administer a program of revenue collection for all local taxes, licenses, fees, and other fees, charges, and revenues levied by the county commission pursuant to local law.

Section 2. The County Commission of Bibb County may, within 30 days written notice to the State Department of Revenue, assume the collection of all legally authorized tax proceeds levied by the county commission and currently being collected by the State Department of Revenue on behalf of Bibb County.

Section 3. If the county commission elects to collect one or more of the local taxes, fees, charges, or other revenues under this act, the county shall have the local taxes, fees, charges, and all lawful powers of the State Department of Revenue to collect revenues and to conduct audits to determine the amounts of revenue liable and due to the county.

Section 4. The county commission may, at its option, hire persons, firms, corporations, auditors, or tax collectors it deems reasonably necessary to carry out the purposes and intent of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective the first day of the second month following the effective date of this act.

Approved April 12, 1994

Time: 5:50 P.M.

Act No. 94-466

H. 866 – Rep. Knight (A)

AN ACT

Relating to Bibb County, authorizing the county commission to establish and administer an equitable countywide personnel system for county employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Bibb County may establish and administer a countywide personnel system based on principles of human resource management which shall include equity, fairness, and compliance with all applicable state and federal laws.

Section 2. As used in this act, the following words shall have the following meanings:

(1) **APPOINTING AUTHORITY.** All persons having the authority to hire, fire, and discipline employees for their department.

(2) **CLASSIFIED EMPLOYEE.** An individual who is assigned to an on-going position, full or part-time, authorized by the county commission and whose salary is paid with funds allocated by the county commission, regardless of the source of those funds, and who is required initially to complete a probationary period.

(3) **COUNTY.** Bibb County, Alabama.

(4) **COUNTY COMMISSION.** The governing body of Bibb County or any succeeding governing system that may be established.

(5) **DISCIPLINARY ACTION.** Suspension without pay, demotion, or termination only.

(6) **EMPLOYEE.** Any individual who works for the county in a temporary, part-time, classified, or unclassified position whose salary is paid with funds allocated by the county commission.

(7) **PART-TIME EMPLOYEE.** An individual who works for the county on an on-going basis and is regularly scheduled to work less than 30 hours per week.

(8) **TEMPORARY EMPLOYEE.** An individual who works for the county for a predetermined time period that is no more than six months.

(9) **UNCLASSIFIED EMPLOYEE.** An individual who works for the county and whose employment is the same as a classified employee except that the individual serves at the pleasure of an elected official.

(10) **VACANCY.** A position approved and funded by the county commission which is currently unoccupied.

Section 3. There is established a personnel system for Bibb County based on all of the following principles:

(1) Recruiting, selecting, and advancing employees based on their ability, knowledge, and skills, including the open competition of qualified applicants for initial and subsequent appointment.

(2) Establishing compensation rates consistent with the principle of comparable pay for comparable jobs.

(3) Training employees, as needed, to assure quality job performance.

(4) Retaining employees on the basis of county needs, adequacy of performance, correcting inadequate performance when possible, and disciplining employees, including discharge, when the actions are in the best interest of the county.

(5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, sex, race, color, religion, national origin, disability, or age.

Section 4. All personnel activities required to create or administer the personnel system authorized by this act shall be based upon rules, policies, and procedures adopted by the county commission as necessary to implement this act. All county employees shall be hired, retained, and separated based on the rules, policies, and procedures. This personnel system shall apply to all employees except the following:

- (1) Elected officials.
- (2) Members of appointed boards and commissions.
- (3) Volunteer personnel who receive no compensation from the county.
- (4) Persons performing work under contract with the county and not carried on the payroll as employees.
- (5) Persons whose employment is subject to the approval of the United States Government or the State of Alabama.
- (6) Other persons so designated by the county commission who meet the intent of this section.

Section 5. An individual's employment with Bibb County is contingent upon all of the following:

- (1) Availability of funds.
- (2) Need for the work to be performed.
- (3) Compliance by the employee with all rules, policies, and procedures established in accordance with this act.
- (4) Completion of a satisfactory probationary period.
- (5) Continued satisfactory job performance by the employee.

Section 6. The county commission may develop, implement, and administer a countywide personnel system that is consistent with this act. All rules, policies, and procedures necessary to implement this act shall be approved by the county commission. The county commission may employ individuals to assist in the performance of those activities necessary to administer the county

personnel system. The county commission may also grant special awards and incentives to employees in accordance with preestablished guidelines.

Section 7. Each county appointing authority may hire, fire, and discipline employees within their department. Appointing authorities shall include, but not be limited to, the county coordinator, the sheriff, the judge of probate, the tax assessor, the tax collector, and the county engineer. The county commission may also designate other appointing authorities. Appointing authorities shall supervise employees in their activities based on this act and the rules, policies, and procedures established by the county commission.

Section 8. (a) Hearings before the commission shall not be evidentiary hearings, or follow the formalities of a court of law, or require the rules of evidence be followed. All testimony shall be under oath. The county commission may subpoena witnesses and demand production of relevant documents. The county commission shall adopt its own rules regarding the guidelines to be used in its hearings and its rulings on hearings. The county commission may render decisions at the conclusion of a hearing and a decision shall be made within 10 calendar days of the hearing. All decisions shall be supported by factual findings based on the hearing, appropriate law, or the approved personnel rules, policies, and procedures. The decision of the county commission is binding on all parties. The decision of the county commission may uphold, reverse, or amend any prior action.

(b) The county commission shall hear all appeals from final personnel actions as requested by an affected and eligible employee. Eligible employees shall include classified employees and may include other employees as authorized by the county commission so long as the inclusion does not violate the intent of this act. The commission shall hear the appeals in accordance with guidelines established in the policies and procedures. Final action may be from administrative action; action based on the rules, policies, and procedures of the county; or disciplinary action. All appeals shall be made in good faith and timely filed. Willfully filing an appeal based on false facts or solely for the purpose of harassment may be the basis for disciplinary action.

(c) Only after all administrative remedies have been exhausted may an affected party take an appeal to the appropriate circuit court. The county commission shall maintain such records to sufficiently document its decision and actions in any matter.

Section 9. All classified employees shall be hired from a list of job applicants who meet the job related qualifications for the

vacancy in accordance with policies and procedures adopted by the county commission. Other employees shall be employed in accordance with procedures established by the county commission. The judge of probate, sheriff, tax assessor, tax collector, and the county coordinator may employ one employee each to serve as a principle assistant to that department. These persons are unclassified employees and need not be hired from a list of applicants. Notwithstanding the foregoing, they shall meet the job qualifications for the position to which they are to be appointed. The county commission may authorize additional unclassified employees, but it is the intent of this act to keep these assistants to a minimum. If two or more elected offices or departments are combined, the elected official shall have no more than one unclassified employee unless so approved by the county commission.

Section 10. (a) Any employee may participate in city, county, or state political activities to the same extent any citizen of Alabama may. This activity may include endorsing a candidate and contributing to campaigns. Employees may join local political organizations, and state and national political parties. Employees may also support issues of public welfare, circulate petitions, and make contributions.

(b) No employee or elected county official shall use his or her official position or authority to influence the vote or political action of any employee nor shall any county funds, property, or time be used for any political activity. No employee or elected county official shall solicit political contributions or solicit work in any capacity in a campaign from any person who is a subordinate employee.

Section 11. This act shall become effective the first day of the month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:51 P.M.

Act No. 94-467

H. 867 – Rep. Smith (C)

AN ACT

Relating to Bibb County; to authorize the Bibb County Commission to expend funds from the Public Highway and Traffic Fund to enforce state traffic and motor vehicle laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The Bibb County Commission may expend funds from the Public Highway and Traffic Fund to enforce state traffic and motor vehicle laws.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:52 P.M.

Act No. 94-468

H. 870 – Rep. Hill

AN ACT

To further amend Section 6 of Act No. 79-524, H. 607, 1979 Regular Session (Acts 1979, p. 935), relating to Shelby County and providing a personnel board for county law enforcement officers, to further provide for the compensation of the members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 79-524, H. 607, 1979 Regular Session (Acts 1979, p. 935), is further amended to read as follows:

“Section 6. The board shall have the power to hire clerical assistance and engage legal counsel of its own choice as may be necessary to adequately perform its functions.

“For regular meetings of the board, each member shall receive seventy-five dollars (\$75) per day, not to exceed three hundred dollars (\$300) per month, plus mileage as is provided by law to the county commission, and the chair of the board to receive one hundred dollars (\$100) per day, not to exceed four hundred dollars (\$400) per month, plus mileage as is provided by law to the county commission. For special hearings or meetings of the board relating to a pending disciplinary action, each member shall receive seventy-five dollars (\$75) per day, not to exceed three hundred dollars (\$300) per month and the chair of the board shall receive one hundred dollars (\$100) per day, not to exceed four hundred dollars (\$400) per month, plus mileage as is provided by law to the county commission.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:53 P.M.

Act No. 94-469

H. 705 – Rep. Freeman

AN ACT

Pertaining to Madison County; amending Section 2 of Act No. 90-695, H. 789 of the 1990 Regular Session, (Acts 1990, p. 1350), relating to court costs, providing further for the disbursements of funds derived from sums collected; providing for the appointment of the Child Protection Board of Madison County; and establishing the powers and duties of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 90-695, H. 789 of the 1990 Regular Session, (Acts 1990, p. 1350), is amended to read as follows:

“Section 2. (a) There is established a board to be known as the Child Protection Board of Madison County. The board shall consist of six members. The presiding district judge, after consulting with the district court judges of Madison County, shall appoint the six initial board members, two members to serve four year terms; two members to serve three year terms, and two members to serve two year terms. The board shall become self-perpetuating after the initial appointments. Each person appointed to the board shall be a qualified elector in Madison County and no person shall be appointed to serve on the board who is engaged in the practice of social work or the practice of law.

“In the event of a vacancy on the board, the vacancy shall be filled by a majority vote of the board members.

“(b) The presiding district judge shall designate one of the original board members to serve as chair, who shall serve for a one year term. Thereafter, the chair shall be selected by a majority vote of the board members. The board may enact rules and develop by-laws, provided: (1) A quorum shall consist of four members; (2) All actions by the board shall be by majority vote except for removal of a board member; (3) The board shall meet quarterly and upon the call of the chair with at least ten days notice to the board members; and (4) All meetings of the board shall be held in Madison County; and (5) The members shall serve without compensation.

“Any member may be removed from the board for cause by a two-thirds vote with the entire board voting.

“(c) The board shall have the power and duty to do all of the following:

“(1) Appoint a person to serve as director of the program and employ personnel to assist the director. The director shall be responsible for recruiting, training, supervising, and coordinating

the efforts and activities of unpaid volunteers and preparing and proposing an annual budget to be submitted to the board. All volunteers, presently known as Court Appointed Juvenile Advocates, or "CAJAS", shall be appointed by the Judges of the Juvenile Court of Madison County to investigate and report to the court on cases involving abused, neglected, and otherwise dependent children.

"(2) Fix the salaries of the persons employed pursuant to subdivision (1) of this act pursuant to the personnel policies of Madison County.

"(3) Approve an annual budget and provide oversight of the disbursement of funds derived from court costs authorized by this act, provided that the funds shall be used to provide for the protection, treatment, and care of those children referred to in Section 1 of this act.

"(4) Promote and sustain the effective operation of the Court Appointed Juvenile Advocate Volunteer Program."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 5:54 P.M.

Act No. 94-470

H. 193 – Rep. Harper

AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1995.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1995, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of

this Act, "ASETF" shall mean the Alabama Special Educational Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1995, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included In Appropriation Total		
ASETF	Earmarked Funds	Appropriation Total

SECTION 3.

A. STATE AGENCIES:

1. AMERICAN LEGION AND AUXILIARY SCHOLAR- SHIPS:

(a) Support of Other Educational Activities Program	101,816
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SOURCE OF FUNDS:

(1) ASETF	101,816
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Total American Legion and Auxiliary Scholarships	101,816		101,816
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To be expended under the provisions of Code of Alabama 1975, Sections 16-31-1 through 16-31-4.			
2. ARCHIVES AND HISTORY, DEPARTMENT OF:			
(a) Historical Educational Management Program			485,000
SOURCE OF FUNDS:			
(1) ASETF	485,000		
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Total Department of Archives and History	485,000		485,000
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3. ARTS, STATE COUNCIL ON THE:			
(a) Fine Arts Program			3,043,648
SOURCE OF FUNDS:			
(1) ASETF	2,021,048		
(2) Federal and Local Funds...		1,022,600	
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Total State Council on the Arts	2,021,048	1,022,600	3,043,648
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4. BUSKEY PENNY TRUST FUND:			
(a) Special Services Program, Estimated			30,000
SOURCE OF FUNDS:			
(1) ASETF-Transfer	30,000		
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Total Buskey Penny Trust Fund	30,000		30,000
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In accordance with Sections 41-15A-10 through 41-15A-12, Code of Alabama 1975.			
5. CHILD ABUSE AND NEGLECT PREVENTION BOARD:			
(a) Social Services Program			932,000

In accordance with Sections
26-16-1 et seq., Code of
Alabama 1975.

SOURCE OF FUNDS:

(1) ASETF	932,000	
Total Child Abuse and Neglect Prevention Board	932,000	932,000

6. DEBT SERVICE:

(a) Debt Service Program.....	738,702
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For interest on endowments
as follows:

For interest on University of
Montevallo (Alabama College)
Endowment.....123,958

For interest on Auburn Uni-
versity Endowment.....20,280

For interest on University of
Alabama Endowment ..61,000

For interest on Grove Hill
Endowment600

For interest on Public School
Fund Endowment:

Interest on 16th Section
Lands, Estimated.....410,000

Interest on School Indemnity
Lands, Estimated.....90,000

Interest on Valueless 16th
' Section Lands.....5,825

Interest on Surplus
Revenue.. 26,764

Interest on James Wallace
Fund.....275

Total Interest on Public School
Fund Endowment.....532,864

SOURCE OF FUNDS:

(1) ASETF	738,702	
Total Debt Service.....	738,702	738,702

7. DENTAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program	159,286
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SOURCE OF FUNDS:

(1) ASETF	159,286
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Total Board of Dental Scholarship Awards	159,286	159,286
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To be expended under the provisions of Code of Alabama 1975, Sections 16-47-76 through 16-47-81.

8. EDUCATION, DEPARTMENT OF:

(a) Administrative Services Program	20,080,867
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Compact for Education	43,623
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Operations and Maintenance of Department	4,347,032
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Homework Hotline Assistance Program	84,600
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Leadership and Management	957,952
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Teacher Workshops to be sponsored by the Southern Center for International Studies	50,000
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General Administrative Services-Technical Assistance	50,000
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Civic Education Project ..	50,000
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Educational Leadership Development	250,000
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Electronic Network282,000

Saturday School Pilot Program
at the University of Alabama
in Tuscaloosa70,000

SOURCE OF FUNDS:

(1) ASETF	6,185,207		
(2) Federal and Local Funds...		13,895,660	
Total Administrative Services Program.....	6,185,207	13,895,660	20,080,867
(b) Adult Basic Education Program.....			12,199,923

SOURCE OF FUNDS:

(1) ASETF	3,932,728		
(2) Federal and Local Funds...		8,267,195	
Total Adult Basic Education Program.....	3,932,728	8,267,195	12,199,923
(c) Community Education Program.....			1,218,735

Of the above appropriation to
the Department of Education
for Community Education,
\$76,928 shall be allocated to
the Birmingham Board of
Education, Department of
Community Education and
\$70,000 shall be expended
for the Montgomery County
Community Education Pro-
gram.

SOURCE OF FUNDS:

(1) ASETF	1,014,144		
(2) Federal and Local Funds...		204,591	
Total Community Education Program.....	1,014,144	204,591	1,218,735
(d) Financial Assistance Program.....			357,593,387

The proposed spending plan
for the ASETF monies

included in the above program is as follows:

Alabama Building

Commission450,000

Elementary Teachers

Scholarships..... 21,503

To be paid in accordance with Code of Alabama 1975, Section 16-23-17. Teacher Inservice Centers/Promising Educational Practices Collection and Dissemination2,346,067

The State Board of Education shall administer the Inservice Educational Centers and shall monitor said centers for compliance with established accountability standards. Of the above appropriation, \$150,299 may be used by the State Board of Education for the administration and monitoring of said centers and for the Promising Educational Practices function. The above appropriation shall be distributed in the following manner:

(aa) The sum of \$74,707 shall be distributed to each of the following in-service centers:

- (1) Alabama A&M University
- (2) Alabama State University
- (3) Athens State College
- (4) Auburn University
- (5) Jacksonville State University
- (6) Troy State University
- (7) University of Alabama
- (8) University of Alabama at Birmingham

- (9) University of Montevallo
- (10) University of North Alabama
- (11) University of South Alabama
- (bb) The remainder of the above appropriation shall be allotted to each in-service center based on the number of state-funded teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1993-94, and the number of teachers employed as reported on the 1993-94 LEA Personnel Report for Additional Allocation for Special Education and State Vocational Education Teachers. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made in (aa) and (bb) above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education. It is the intent of the Legislature that the collection and dissemination of teaching strategies and methods deemed "Promising Educational Practices" be coordinated and monitored by the State Board of Education and that the information relating to such practices shall be disseminated through the eleven in-service centers listed above.

State Occupational
 Information Coordinating
 Committee 200,000

SOURCE OF FUNDS:

(1) ASETF	3,017,570		
(2) Federal and Local Funds...		354,575,817	
Total Financial Assistance Program.....	3,017,570	354,575,817	357,593,387
(e) Alabama Young Farmers Education Program			45,252

SOURCE OF FUNDS:

(1) ASETF	45,252		
Total Alabama Young Farmers Education Program.....	45,252		45,252
(f) Financial Assistance-Pre-School Program			2,950,000

To be used to fund pre-school programs for children with disabilities in conjunction with the remedy order in the school equity lawsuit and to implement Act 91-474. In addition to the above appropriation, there is hereby appropriated \$822,000 to the Financial Assistance-Pre-School Program from the ASETF to be conditioned on a demonstrated need, recommendation of the Director of Finance and the approval of the Governor.

SOURCE OF FUNDS:

(1) ASETF	2,950,000		
Total Financial Assistance-Pre-School Program	2,950,000		2,950,000
(g) Instructional Technical Assistance Program			11,644,975

The proposed spending plan for the ASETF monies included in the above program is as follows:

Basic Skills Program...	890,218
Early Childhood Education Administration	93,344
Instructional Technical Assis- tance	1,205,699
Special Education Admin- istration	378,198
Vocational Education Adminis- tration	939,368
National Geographic Grant- Matching Funds	45,252
Drug Education	40,945
Teaching Children with Disabilities Administration Program	100,000

SOURCE OF FUNDS:

(1) ASETF	3,693,024		
(2) Federal and Local Funds...		7,951,951	
Total Instructional Technical Assistance Program	3,693,024	7,951,951	11,644,975
(h) Local Agency Support Program			33,855,370

The proposed spending plan
for the ASETF monies
included in the above pro-
gram is as follows:

Advanced Placement...	413,775
School Bus Driver Training and Vehicle Safety In- spection	545,315
Free Textbooks	26,734,770
Guidance and Counseling	177,852
Operations and Maintenance	106,424
School Attendance	165,632
School Facilities and Archi- tectural Services	182,858

Testing2,192,289

Emergency Food Assistance
and Child Nutrition Pro-
grams62,285

SOURCE OF FUNDS:

(1) ASETF 30,581,200

(2) Federal and Local Funds... 3,274,170

Total Local Agency Support
Program 30,581,200 3,274,170 33,855,370

(i) Regulation Program 2,280,875

The proposed spending plan
for the ASETF monies
included in the above pro-
gram is as follows:

Teacher Certification and
Accreditation550,700

Undergraduate/Graduate
Program Approval.....236,158

Operations and
Maintenance446,485

SOURCE OF FUNDS:

(1) ASETF 1,233,343

(2) Federal and Local Funds... 1,047,532

Total Regulation Program 1,233,343 1,047,532 2,280,875

(j) Support of Other Educa-
tional Activities Program 15,000

The proposed spending plan
for the ASETF monies
included in the above pro-
gram is as follows:

Education of Dependents of
Blind Parents15,000

SOURCE OF FUNDS:

(1) ASETF 15,000

Total Support of Other Edu-
cational Activities Program... 15,000 15,000

For reimbursement of every
state institution of higher

learning, college, university, or technical college or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

(k) Support of State Universities Program..... 50,000

SOURCE OF FUNDS:

(1) Federal and Local Funds...	50,000	
Total Support of State Universities Program.....	50,000	50,000

(l) Multi-System Evaluation Center Program.....		94,000
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SOURCE OF FUNDS:

(1) ASETF.....	94,000	
Total Multi-System Evaluation Center Program.....	94,000	94,000

(m) Education Specialist for Litter Education Program		50,000
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SOURCE OF FUNDS:

(1) ASETF.....	50,000	
Total Education Specialist for Litter Education Program	50,000	50,000

(n) Alabama Center for Law and Civic Education.....		56,000
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SOURCE OF FUNDS:

(1) ASETF.....	56,000	
Total Alabama Center for Law and Civic Education.....	56,000	56,000

(o) Alabama Writing Project...		100,000
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SOURCE OF FUNDS:

(1) ASETF.....	100,000	
Total Alabama Writing Project.....	100,000	100,000

(p) Minority Student Recruitment Program	125,000
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SOURCE OF FUNDS:

(1) ASETF	125,000	
Total Minority Student Recruitment Program	125,000	125,000

(q) Coordinator of School Health Services	62,500
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SOURCE OF FUNDS:

(1) ASETF	62,500	
Total Coordinator of School Health Services	62,500	62,500

(r) PALS - Litter Education Program	151,640
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SOURCE OF FUNDS:

(1) ASETF	151,640	
Total PALS - Litter Education Program	151,640	151,640

This program shall be administered in coordination with the Alabama Forestry Commission.

(s) Cahawba Advisory Board ..	75,000
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SOURCE OF FUNDS:

(1) ASETF	75,000	
Total Cahawba Advisory Board	75,000	75,000

(t) Math, Science and Debate Competition Program	50,000
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SOURCE OF FUNDS:

(1) ASETF	50,000	
Total Math, Science and Debate Competition Program	50,000	50,000

The above appropriation to the State Department of

Education for Math, Science and Debate Competition Program shall be administered in such a way that it does not discriminate against any student on the basis of race, sex, religion or school of choice. The State Department of Education shall encourage all students and schools, whether public or private, to engage in academic competition, and all students eligible for regional and national competition shall be encouraged, and to the extent of this appropriation shall be supported to compete at such levels so that the best students of the state can compete and represent Alabama at regional and national levels.

(u) Alabama Rural Community Fire Protection Institute.....	100,000
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SOURCE OF FUNDS:

(1) ASETF	100,000	
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Total Alabama Rural Community Fire Protection Institute.....	100,000	100,000
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For use in furnishing assistance in the teaching of fire prevention and fire safety in the public schools of Alabama.

(v) Automotive Technology Pilot Program.....	250,000
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This pilot program shall be conducted at a site chosen by the State Superintendent of Education.

SOURCE OF FUNDS:

(1) ASETF	250,000
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Total Automotive Technology Pilot Program	250,000	250,000
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TOTAL DEPARTMENT OF EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	53,781,608	
(2) Federal and Local Funds...	389,266,916	
GRAND TOTAL DEPARTMENT OF EDUCATION.....	53,781,608	389,266,916 443,048,524

In addition to the above appropriation to the State Department of Education, there is also hereby appropriated the sum of \$200,000 for the Inspector Detector Program to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

9. EXAMINERS OF PUBLIC ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services Program.....	1,500,000
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SOURCE OF FUNDS:

(1) ASETF	1,500,000
Total Department of Examiners of Public Accounts.....	1,500,000 1,500,000

10. K-12 FOUNDATION PROGRAM AND EQUITY FUND:	1,807,920,473
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SOURCE OF FUNDS:

(1) ASETF	1,745,243,988
(2) Public School Fund	58,000,000
(3) Local Funds.....	4,676,485
Total K-12 Foundation Program and Equity Fund	1,745,243,988 62,676,485 1,807,920,473

The above appropriation shall be distributed according to the laws governing the distribution of funds to public schools in effect on October 1, 1994. Such distribution shall include funding for teachers' and support personnel salaries including an 8.5% pay raise for teachers and support personnel pursuant to House Bill 283 of the 1994 Regular Session; operation of a transportation program; sick and personal leave for teachers and support personnel; classroom instructional supplies; special education program including funding for special schools for special education; maintenance for public schools; kindergarten program; vocational education; teacher aides, public school libraries and librarians; guidance counselors; the employers' share of social security payments; capital outlay funds for the replacement of school buses (especially funds for pre-1978 school buses); classroom education technology program; and such other educational opportunities in the form of educational facilities, programs, and services as may be determined to provide an adequate, equitable and appropriate education for all students, including students with disabilities, at-risk students, vocational education students, and other students whose education may be demonstrably more expensive. It is the intent of the Legislature that the Joint Fiscal Committee, in conjunction with the Governor, shall develop a recommended distribution formula that addresses equity in funding public schools to be presented to the Legislature at the next Special or Regular Session.

**11. EDUCATION, STATE
BOARD OF – POSTSEC-
ONDARY PRISON EDUCA-
TION:**

(a) Operations and Maintenance.....	9,622,052	6,096,062	15,718,114
(b) Library Enhancement	45,382		45,382
(c) High Technology Equipment.....	90,766		90,766
(d) Restricted Funds.....		3,517,173	3,517,173

SOURCE OF FUNDS:

(1) ASETF	9,758,200		
(2) Federal and Local Funds...		9,613,235	
Total State Board of Education-Postsecondary Prison Education	9,758,200	9,613,235	19,371,435

(1) The Operations and Maintenance appropriation above of \$9,622,052 to the State Board of Education for Postsecondary Prison Education shall be distributed to colleges with approved programs in accordance with the following formula: (1) an allocation of \$300,000 to Shelton State Community College for start-up prison education at the Bibb County facility and (2) to each college in accordance with its percentage of the total credit hours attempted for the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 by all colleges listed in this appropriation provided, however, that funding for junior and technical college credit hours shall be allotted in amounts as near equal as possible to non-prison education two-year college credit hours. The appropriation in (a) above, after the allocation to Shelton State Community College, is to be distributed to the following colleges: (1) Central Alabama Community College; (2) John C. Calhoun State Community College; (3) Jefferson Davis State Community College; (4) Gadsden State Community College; (5) J.F. Ingram State Community College; (6) Theodore A. Lawson State Community College; and (7) Chauncey Sparks State Technical College.

(2) The Library Enhancement appropriation in (b) above of \$45,382 is to be distributed to the colleges listed in (1) above on a fall quarter 1993-94 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(3) The High Technology Equipment appropriation in (c) above of \$90,766 to the State Board of Education for the Postsecondary Prison Education System is to be distributed to the colleges listed above in (1) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

12. EDUCATION, STATE BOARD OF – POSTSEC- ONDARY BUSINESS AND INDUSTRY TRAINING:

(a) Operations and Maintenance.....	500,000
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SOURCE OF FUNDS:

(1) ASETF	500,000	
Total State Board of Education-Postsecondary Business and Industry Training	500,000	500,000

13. SHELTON STATE COMMUNITY COLLEGE:

(a) Criminal Justice Program .. 48,000

For Law Enforcement/Criminal Justice Placement.

SOURCE OF FUNDS:

(1) ASETF	48,000	
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Total Shelton State Community College-Criminal Justice Program	48,000	48,000

14. EDUCATION, STATE BOARD OF – JUNIOR COLLEGE SYSTEM:

(a) Operations and Maintenance.....	87,407,966	65,837,464	153,245,430
(b) Library Enhancement	275,326		275,326
(c) High Technology Equipment.....	183,552		183,552
(d) Capital Outlay	2,100,000		2,100,000
(e) Operations-Jefferson State Community College.....	300,000		300,000
(f) Separate Base-Central Alabama Community College.	250,000		250,000
(g) Auxiliary Enterprises		10,494,554	10,494,554
(h) Restricted Funds		37,985,464	37,985,464

SOURCE OF FUNDS:

(1) ASETF	90,516,844	
(2) Other Funds.....	114,317,482	
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Total State Board of Education – Junior College System	90,516,844	114,317,482
		204,834,326

(1) The Operations and Maintenance appropriation in (a) above of \$87,407,966 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed herein on the following formula:

(a) The sum of \$350,000 to only those junior colleges enumerated below in subsection (b).

- (b) The remainder of the appropriation is to be allotted to each junior college in accordance with its percentage of the total credit hours attempted for the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 by all the junior colleges listed in this appropriation, provided, however, the nursing and allied health credit hours will be funded on a 2:1 ratio based upon the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 in accordance with the number of quarter hours attempted within the departments. However, only major allied health courses in animal health, paramedics, dental assistant, respiratory therapy assistant, medical laboratory assistant, physical therapy assistant, and radiation technology will be funded at this ratio. Related courses and other allied health courses will be funded the same as non-health programs. Continuing education unit hours shall be excluded from the computations herein required. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. The above appropriation is to be distributed to the following junior colleges: (1) Bevill State Community College; (2) S.D. Bishop State Community College; (3) John C. Calhoun State Community College; (4) Chattahoochee Valley Community College (Phenix City); (5) Central Alabama Community College; (6) Jefferson Davis State Community College; (7) Enterprise State Junior College; (8) James H. Faulkner State Community College; (9) Gadsden State Community College; (10) Alabama Southern Community College; (11) Jefferson State Community College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Community College; (14) Shoals Community College; (15) Shoals Community College-Northwest; (16) Snead State Community College; (17) Southern Union State Community College; (18) George C. Wallace State Community College (Selma); (19) George C. Wallace State Community College (Dothan); (20) Lurleen B. Wallace State Junior College; (21) George C. Wallace Community College at Hanceville; (22) Shelton State Community College; (23) J.F. Ingram State Community College (base only).

(2) The Library Enhancement appropriation in (b) above of \$275,326 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1)

(b) on a fall quarter 1993-94 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, pictures, recordings, and video tapes.

(3) The High Technology Equipment appropriation in (c) above of \$183,552 to the State Board of Education for the Junior College System is to be distributed to the junior colleges listed above in (1) (b) on a needs basis as determined by the Chancellor of the Postsecondary Education System.

(4) The capital outlay appropriation in (d) above shall be allocated as follows: \$225,000 to George C. Wallace Community College at Hanceville; \$225,000 to Snead State Community College; \$225,000 to Northeast Alabama State Community College; \$225,000 to Lurleen B. Wallace State Junior College; \$300,000 to George C. Wallace Community College-Hanceville; \$200,000 to George C. Wallace Community College-Dothan; \$300,000 capital outlay for a library at Council Trenholm State Technical College; \$200,000 to Alabama Southern Community College; \$200,000 to James H. Faulkner State Community College.

15. EDUCATION, STATE BOARD OF – TECHNICAL COLLEGE SYSTEM:

(a) Operations and Maintenance.....	68,180,776	49,987,704	118,168,480
(b) Library Enhancement	456,682		456,682
(c) High Technology Equipment.....	365,344		365,344
(d) Auxiliary Enterprises.....		6,432,146	6,432,146
(e) Restricted Funds.....		28,840,815	28,840,815

SOURCE OF FUNDS:

(1) ASETF	69,002,802		
(2) Other Funds		85,260,665	
Total State Board of Education – Technical College System....	69,002,802	85,260,665	154,263,467

(1) The Operations and Maintenance appropriation in (a) above of \$68,180,776 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed herein on the following formula:

- (a) The sum of \$425,000 to only those technical colleges enumerated below in subsection (b).
- (b) The remainder of the appropriation is to be allotted to each technical college in accordance with its percentage of the total credit hours attempted for the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 by all technical colleges listed in this appropriation, provided, however, that the credit hours from the major flight technology courses at Wallace State College, Hanceville, Bevill State Community College, and the Alabama Aviation and Technical College for the same quarters as above will be funded on a 2:1 ratio and provided that the credit hours from the major registered nursing courses at Bevill State Community College for the same quarters as above will be funded at the same rate as the credit hours from the major registered nursing courses of the junior colleges. The credit hours for prison education (correctional education) shall not be calculated in this section. Funding for those hours is provided in Postsecondary Prison Education. The appropriation in (a) above is to be distributed to the following technical colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Bevill State Community College; (6) Bevill State Community College-Hamilton; (7) S.D. Bishop State Community College; (8) S.D. Bishop State Community College-Carver Campus; (9) John C. Calhoun State Community College; (10) Central Alabama Community College; (11) Chattahoochee Valley State Community College; (12) Jefferson Davis State Community College; (13) J.F. Drake State Technical College; (14) Faulkner State Community College; (15) Gadsden State Community College-Alabama Technical College Campus; (16) Gadsden State Community College-Gadsden State Technical Institute Campus; (17) J.F. Ingram State Community College (base only); (18) Jefferson State Community College; (19) Theodore A. Lawson State Community College; (20) Douglas MacArthur State Technical College; (21) Northeast Alabama Community College; (22) Opelika State Technical College; (23) John M. Patterson State Technical College; (24) Ed E. Reid State Technical College; (25) Shelton State Community College; (26) Shelton State Community College-Fredd Campus; (27) Shoals Community College; (28) Snead State Community College; (29) Chauncey Sparks State Technical College; (30) Council Trenholm State Technical College; (31) George C.

Wallace State Community College (Dothan); (32) George C. Wallace State Community College (Hanceville); (33) George C. Wallace State Community College (Selma).

(2) The Library Enhancement appropriation in (b) above of \$456,682 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed above in (1) (b) on a fall quarter 1993-94 full-time equivalent student enrollment basis with a minimum of \$3.00 per full-time equivalent student to be expended for books. Other expenditures may include book binding, book repair, computer software, cataloging, filmstrips, newspapers, magazines, recordings, and video tapes.

(3) The High Technology Equipment appropriation in (c) above of \$365,344 to the State Board of Education for the Technical College System is to be distributed to the technical colleges listed in (1) (b) above on a needs basis as determined by the Chancellor of the Postsecondary Education System.

**16. EDUCATION, STATE
BOARD OF – JUNIOR AND
TECHNICAL COLLEGE
SYSTEM:**

(a) Operations and Maintenance.....	8,700,000
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SOURCE OF FUNDS:

(1) ASETF	8,700,000	
<hr/>		
Total State Board of Education – Junior and Technical College System	8,700,000	8,700,000

It is the intent of the Legislature that the above appropriation of \$8,700,000 shall be distributed by the State Board of Education as follows:

- (a) The sum of \$425,000 to Enterprise State Junior College and \$425,000 to Lurleen B. Wallace State Junior College.
- (b) The sum of \$350,000 to each of the following institutions:
 - (1) Chauncey Sparks State Technical College; (2) Alabama Aviation and Technical College; (3) Council Trenholm State Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) J.F. Drake State Technical College; (7) Douglas MacArthur State Technical College; (8) Opelika State Technical College; (9) John M. Patterson State Technical College; (10) Ed E. Reid State Technical College.

- (c) The remainder of this appropriation is to be distributed to each institution in accordance with its percentage of the total credit hours attempted for the spring and summer quarters of the school year 1992-93 and the fall and winter quarters of the school year 1993-94 by all the institutions listed: (1) Bevill State Community College (including Hamilton campus); (2) S.D. Bishop State Community College; (3) John C. Calhoun State Community College; (4) Chattahoochee Valley Community College; (5) Central Alabama Community College; (6) Jefferson Davis State Community College; (7) James H. Faulkner State Community College; (8) Gadsden State Community College; (9) Alabama Southern Community College; (10) Jefferson State Community College; (11) Theodore A. Lawson State Community College; (12) Northeast Alabama State Community College; (13) Shoals Community College (including Northwest campus); (14) Snead State Community College; (15) Southern Union State Community College; (16) George C. Wallace State Community College (Selma); (17) George C. Wallace State Community College (Dothan); (18) George C. Wallace Community College at Hanceville-of the amount allotted to George C. Wallace Community College at Hanceville \$25,000 shall be allotted for the School of Cosmetology; (19) Shelton State Community College (including Fredd campus); (20) J.F. Ingram State Community College.

**17. EDUCATION, STATE
BOARD OF – POSTSEC-
ONDARY SKILLS TRAIN-
ING AND EDUCATION:**

(a) Operations and Maintenance.....	24,199,777
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SOURCE OF FUNDS:

(1) Federal and Local Funds...	<u>24,199,777</u>	
Total State Board of Education – Postsecondary Skills Training and Education.....	<u>24,199,777</u>	<u>24,199,777</u>

**18. FAMILY PRACTICE
RURAL HEALTH BOARD:**

(a) Family Practice Rural Health Program	<u>909,780</u>
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SOURCE OF FUNDS:

(1) ASETF	<u>909,780</u>
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Total Family Practice Rural Health Board.....	909,780	909,780
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Of the above appropriation, \$50,000 shall be transferred to the Council on Substance Abuse-NCADD.

19. FINANCE, DEPARTMENT OF – TELECOMMUNICATIONS DIVISION, TELEPHONE REVOLVING FUND:

(a) Administrative Support Services Program	4,099,949
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SOURCE OF FUNDS:

(1) ASETF	4,099,949
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Total Department of Finance - Telecommunications Division, Telephone Revolving Fund	4,099,949	4,099,949
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The Telephone Revolving Fund shall assess to using agencies and institutions any additional amount necessary to provide continuing non-interrupted service of a minimum maintenance level.

20. FINANCE, DEPARTMENT OF – DATA SYSTEMS MANAGEMENT DIVISION:

(a) Administrative Support Services Program	249,566
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To be expended for education and training for the Governmental Accountant and Auditor Training Program and the Certified Public Manager Program.

SOURCE OF FUNDS:

(1) ASETF	249,566
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Total Department of Finance-
Data Systems Management
Division.....

249,566 249,566

21. FINE ARTS, ALABAMA
SCHOOL OF:

(a) Fine Arts Program..... 3,831,460

SOURCE OF FUNDS:

(1) ASETF 3,293,574

(2) Federal and Local Funds... 537,886

Total Alabama School of Fine
Arts

3,293,574 537,886 3,831,460

22. FIREFIGHTERS' PER-
SONNEL STANDARDS AND
EDUCATION COMMISSION,
ALABAMA/ALABAMA
STATE FIRE COLLEGE-
SHELTON STATE COMMU-
NITY COLLEGE:

(a) Operations and Mainte-
nance..... 2,862,250 1,218,557 4,080,807

(b) Auxiliary Enterprises 671,728 671,728

SOURCE OF FUNDS:

(1) ASETF 2,862,250

(2) Other Funds..... 1,890,285

Total Alabama Firefighters'
Personnel Standards and
Education Commission/Ala-
bama State Fire College-
Shelton State Community
College

2,862,250 1,890,285 4,752,535

Of the above appropriation of
\$2,862,250 from the ASETF,
the sum of \$72,210 shall be
used for training and instruc-
tional equipment and the
development and delivery of
hazardous materials training.

23. HEALTH INSURANCE
BOARD, PUBLIC EDUCA-
TION EMPLOYEES':

(a) Administrative Support
Services Program

110,000,000

The above appropriation shall be expended for Hospital/Medical or Dental Insurance Assistance for professional employees, full-time support employees and adult school bus drivers of all institutions under the auspices of the State Board of Education, employees of the Alabama Institute for the Deaf and Blind, Alabama School of Mathematics and Science, the Alabama School of Fine Arts, and retired employees eligible under the provisions of Code of Alabama 1975, Section 16-25A-17. Full-time support employees shall be defined as those support employees working a minimum of 20 hours per week. The appropriation shall be allocated according to the provisions of Code of Alabama 1975, Section 16-25A-17.

It is the intent of the Legislature that the hereinabove appropriated sum shall fund the Public Education Employees Health Insurance Program so that beginning and during fiscal year 1994-95 all eligible full-time employees shall pay the premium rate of not less than \$2.00 per month and all retired eligible employees shall pay the premium rate of not less than \$1.14 per month. The above contribution rates shall not be reduced by any administrative action by the Public Education Employees' Health Insurance Board. The benefit level shall not be increased by

any administrative action by the Public Education Employees' Health Insurance Board. Furthermore it is the intent of the Legislature that no part of the above appropriation be used to pay for dependent coverage under said health insurance plan.

SOURCE OF FUNDS:

(1) ASETF	<u>110,000,000</u>	
Total Public Education Employees' Health Insurance Board	<u>110,000,000</u>	<u>110,000,000</u>

24. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program.....	1,755,773
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Operations and Maintenance.....1,605,773

In addition to the above appropriation for Operations and Maintenance, there is hereby appropriated \$262,204 from the ASETF to be conditioned on the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

Salaries and Fees for Title VI Court Monitor.....150,000

SOURCE OF FUNDS:

(1) ASETF	<u>1,755,773</u>	
Total Planning and Coordination Services Program (Total Operations).....	<u>1,755,773</u>	<u>1,755,773</u>

(b) Student Financial Aid Program.....	11,372,991
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The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:

(1) Educational Grants Program.....	6,225,359
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(2) Alabama National Guard Educational Assistance.....	781,754
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To be expended in accordance with Code of Alabama 1975, Sections 31-10-1 through 31-10-4 and Act 93-910.

(3) Teacher Education Scholarship Loan Program.....	974,726
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To be expended in accordance with Code of Alabama 1975, Section 16-23-24.

(4) Chiropractic Scholarships	44,522
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To be expended in accordance with Code of Alabama 1975, Section 16-5-11.

(5) Policeman's Survivor Tuition, Estimated.....	40,000
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To be expended under the provisions of Code of Alabama 1975, Section 36-21-105.

(6) Alabama Student Assistance Program	1,818,315
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SOURCE OF FUNDS:

(1) ASETF	9,884,676
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(2) Federal and Local Funds...	1,488,315
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Total Student Financial Aid Program.....	9,884,676	1,488,315	11,372,991
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(c) Support of Other Educational Activities Program

5,114,122

The proposed spending plan for the ASETF monies included in the above program is to be distributed through ACHE as follows:

(1) Network of Alabama Academic Libraries
(NAAL).....644,024

(2) Southern Regional Education Board
(SREB).....520,285

Of the above appropriation, \$100,000 shall be expended for a regional minority doctoral scholars program. These funds shall be expended only for doctoral programs in Alabama or out-of-state only when those programs are unavailable in Alabama. Of the above appropriation, \$24,800 shall be expended for osteopathic medical scholarships for Alabama students studying osteopathic medicine at the West Virginia Medical School.

(3) Alabama Small Business Development Consortium.....625,000

(4) Alabama Council for International Programs23,500

(5) EPSCoR-National Science Foundation Program.....1,000,000

(6) Research Enhancement248,884

(7) Computer-Based Articulation System.....525,000

To fund Troy State University for developing and operating a state-wide computer-based articulation system to serve all four-year and two-year postsecondary institutions in the State of Alabama.

SOURCE OF FUNDS:

(1) ASETF	3,586,693		
(2) Federal and Local Funds...		1,527,429	
Total Support of Other Educational Activities Program...	3,586,693	1,527,429	5,114,122

(d) Teacher Education Scholarship Loan Program.....			2,500,000
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To be expended under the provisions of Act 93-636.

SOURCE OF FUNDS:

(1) ASETF	2,500,000		
Total Teacher Education Scholarship Program	2,500,000		2,500,000
(e) Alabama Guaranteed Student Loan Program			23,203,134

SOURCE OF FUNDS:

(1) Federal and Local Funds...		23,203,134	
Total Alabama Guaranteed Student Loan Program		23,203,134	23,203,134

TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ASETF	17,727,142		
(2) Federal and Local Funds...		26,218,878	
GRAND TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION	17,727,142	26,218,878	43,946,020

In addition to the above appropriation, there is hereby appropriated \$2,000,000

from the ASETF for the Eminent Scholars Program to be conditioned on the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

**25. HUMAN RESOURCES,
DEPARTMENT OF:**

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....	4,134,058
(b) JOBS Child Care and After School Child Care Program.....	3,500,000

SOURCE OF FUNDS:

(1) ASETF	7,634,058	
Total Department of Human Resources.....	7,634,058	7,634,058

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$1.1 million shall be used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants.

26. INDUSTRIAL DEVELOPMENT TRAINING INSTITUTE, ALABAMA:

(a) Industrial Training Program.....	1,839,901	215,959	2,055,860
(b) Industrial Development Program.....	15,092,552		15,092,552

SOURCE OF FUNDS:

(1) ASETF	16,932,453	
(2) Other Funds		215,959

Total Alabama Industrial Development Training Institute.....	<u>16,932,453</u>	<u>215,959</u>	<u>17,148,412</u>
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Of the above appropriation to AIDT, \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and GTE Telephone, in Pell City, to be conducted by Gadsden State Community College, \$1,500,000 shall be allocated to Shelton State Community College, \$150,000 for automotive technology training and placement at Lawson State Community College, \$500,000 shall be used to fund the operation of the Michelin training center, \$300,000 shall be expended for training for the Tire Recycling Center at Shelton State Community College, \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program, the amount necessary up to \$150,000 shall be used for job training for the Rehau Project, \$300,000 shall be used for the Job Corps Training Center at Council Trenholm State Technical College, \$100,000 shall be used for training at Bessemer State Technical College for automotive technology training and \$20,000 shall be used for team building training for Crown Textile at Central Alabama Community College. In the event the total amounts listed in this section are not expended or necessary for each specific project, the

remaining funds may be used by the Alabama Industrial Development Training Institute for other training projects. In addition to the above appropriation to the AIDT, there is also hereby conditionally appropriated (1) the sum of \$550,000 to be conditioned solely upon a poultry processing plant locating in Northeast Alabama and (2) the sum of \$250,000 to be conditioned solely upon Southwire Corporation locating a manufacturing facility in Alabama.

27. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program...	60,000
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SOURCE OF FUNDS:

(1) ASETF	60,000	
Total Alabama Law Institute ..	60,000	60,000

28. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program	9,010,699
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SOURCE OF FUNDS:

(1) ASETF	7,379,475	
(2) Federal and Local Funds...	1,631,224	
Total Alabama Public Library Services.....	7,379,475	1,631,224
		9,010,699

Of the above appropriation, a minimum of \$4,641,682 shall be distributed to the public libraries within the state.

29. MARINE ENVIRONMENTAL SCIENCES CON-SORTIUM:

(a) Support of Other Educational Activities Program	3,242,231
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SOURCE OF FUNDS:

(1) ASETF	2,538,351		
(2) Federal and Local Funds...		703,880	
Total Marine Environmental Sciences Consortium.....	2,538,351	703,880	3,242,231

**30. MATH AND SCIENCE,
ALABAMA SCHOOL OF:**

(a) Math and Science Program.			5,248,049
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SOURCE OF FUNDS:

(1) ASETF	5,248,049		
Total Alabama School of Math and Science.....	5,248,049		5,248,049

**31. MEDICAL SCHOLAR-
SHIP AWARDS, BOARD
OF:**

(a) Support of Other Educa- tional Activities Program			612,707
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SOURCE OF FUNDS:

(1) ASETF	612,707		
Total Board of Medical Scholarship Awards.....	612,707		612,707

To be expended under the pro-
visions of Code of Alabama
1975, Sections 16-47-121
through 16-47-129.

**32. MENTAL HEALTH AND
MENTAL RETARDATION,
DEPARTMENT OF:**

(a) Institutional Treatment and Care-Mental Illness Program.....			7,870,212
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Of the above appropriation,
\$2,828,703 shall be expended
at the Eufaula Adolescent
Center.

(b) Institutional Treatment and Care-Mental Retarda- tion Program			3,276,604
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(c) Community Services Program.....	4,426,140
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Of the above appropriation,
\$300,000 shall be expended
for Alzheimer's Disease
Education and Training.

SOURCE OF FUNDS:

(1) ASETF	15,572,956	
<hr/>		
Total Department of Mental Health and Mental Retarda- tion	15,572,956	15,572,956
		<hr/>

The Department of Mental
Health and Mental Retarda-
tion shall enter into contracts
with local school systems to
reimburse those school systems
for education and education
related services provided to
children under the care of the
Department of Mental Health.

33. MONTGOMERY INTER- NAL MEDICINE RESI- DENCY PROGRAM:

(a) Support of Other Educa- tional Activities Program	191,000
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SOURCE OF FUNDS:

(1) ASETF	191,000	
<hr/>		
Total Montgomery Internal Medicine Residency Program	191,000	191,000
		<hr/>

The above appropriation to the
Montgomery Internal Medicine
Residency Program from the
ASETF shall be in addition to
the funds received by said pro-
gram from the University of
Alabama at Birmingham
(UAB), and the funds allocated
to the Montgomery Internal
Medicine Residency Program
from UAB shall not be dimin-
ished from the amount
allocated in fiscal year 1993-94.

34. MUSIC HALL OF FAME, ALABAMA:

(a) Support of Other Educational Activities Program 148,000

SOURCE OF FUNDS:

(1) ASETF.....	148,000	
<hr/>		
Total Alabama Music Hall of Fame.....	148,000	148,000
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35. NURSING, ALABAMA BOARD OF:

(a) Professional and Occupational Licensing and Regulation Program 51,587

SOURCE OF FUNDS:

(1) ASETF-Transfer-as provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships	51,587	
<hr/>		
Total Alabama Board of Nursing.....	51,587	51,587
<hr/>		

36. OPTOMETRIC SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program 134,850

SOURCE OF FUNDS:

(1) ASETF	134,850	
<hr/>		
Total Board of Optometric Scholarship Awards	134,850	134,850
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To be expended under the provisions of the Code of Alabama 1975, Sections 34-22-60 through 34-22-65.

37. PEACE OFFICERS' STANDARDS AND TRAINING COMMISSION, ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program..... 626,622

Of the above appropriation,
\$150,000 shall be expended
for employees or contracts
with experts to review the
certified law enforcement
academies and the standards
pursuant thereto.

(b) Certified Law Enforcement Academy Program	1,154,500
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Of the above appropriation for
the Certified Law Enforce-
ment Academy Program, the
\$704,500 of ASETF monies
included therein shall be
expended as follows:

Northeast Police Academy	181,500
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University of Alabama ..	181,500
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Southwest Police Academy	181,500
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Alabama Police Academy	100,000
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Montgomery Police Academy	<u>60,000</u>
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Total	704,500
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(c) Capital Outlay Program	150,000
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SOURCE OF FUNDS:

(1) ASETF	1,481,122
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(2) Alabama Peace Officers' Standards and Training Fund – as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51	<u>450,000</u>
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Total Alabama Peace Officers' Standards and Training Commission	<u>1,481,122</u>	<u>450,000</u>	<u>1,931,122</u>
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38. POSTSECONDARY EDU- CATION DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program	3,349,414
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The proposed spending plan for the ASETF monies included in the above program is as follows:

Chancellor's Office	
Operations	1,765,788
Environmental Consortium	250,000
Technological Equipment	350,000
Program Planning and Enhancement	110,797
Displaced Homemakers, Program	107,628
Building Operations	309,007

SOURCE OF FUNDS:

(1) ASETF	2,893,220		
(2) Federal and Local Funds...		456,194	
Total Postsecondary Education Department	2,893,220	456,194	3,349,414

39. RETIREMENT SYSTEM OF ALABAMA, EMPLOYEES' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	609,000
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SOURCE OF FUNDS:

(1) ASETF-Employees' Retirement System	336,000		
(2) ASETF-Employees' Special Pension, Acts 85-631, 88-600, 90-625, and 93-479....	273,000		
Total Employees' Retirement System of Alabama (ASETF Share)	609,000		609,000

40. RETIREMENT SYSTEM OF ALABAMA, TEACHERS' (ASETF SHARE):

(a) Retirement Systems Program, Estimated	259,771,000
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(b) Term Life Insurance 3,150,000

Persons eligible for this insurance benefit shall be the following:

(1) full-time members of the Teachers' Retirement System of Alabama shall be eligible for the full benefit; and,

(2) part-time members of the Teachers' Retirement System of Alabama shall be eligible for proportional benefit based on the percentage of time each works in relationship to full-time work.

SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System, Estimated	195,712,000	
(2) ASETF-Teachers' Special Pension Fund, Estimated	64,059,000	
(3) ASETF-Term Life Insurance	3,150,000	
Total Teachers' Retirement System of Alabama (ASETF Share)	262,921,000	262,921,000

41. SOCIAL SECURITY (ASETF SHARE):

(a) For State's Share of Social Security, Estimated	118,703
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SOURCE OF FUNDS:

(1) ASETF	118,703	
Total Social Security (ASETF Share)	118,703	118,703

The above appropriation is to be used for prior period adjustments.

42. SOIL AND WATER CONSERVATION COMMITTEE, STATE:

(a) Soil Conservation Program..	25,000
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SOURCE OF FUNDS:

(1) ASETF	25,000	
Total State Soil and Water Conservation Committee	25,000	25,000

For use in educational activities related to proper soil conservation through the prevention of erosion.

43. SPORTS HALL OF FAME, ALABAMA:

(a) Scholarship Program	200,000
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SOURCE OF FUNDS:

(1) ASETF	200,000	
Total Alabama Sports Hall of Fame	200,000	200,000

44. SUPERCOMPUTER AUTHORITY, ALABAMA:

(a) Administrative Support Services Program	7,926,102
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The above appropriation is to be expended in accordance with Sections 41-10-390 through 41-10-406, Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ASETF	6,000,000	
(2) Supercomputer Revolving Fund, Estimated	1,926,102	
Total Alabama Supercomputer Authority	6,000,000	1,926,102 7,926,102

45. TELEVISION COMMISSION, EDUCATIONAL:

(a) Educational Television and Public Radio Service Program	8,139,189
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Of the above appropriation, \$175,000 shall be allocated for

the "Discovering Alabama" TV Series; \$100,000 shall be allocated for the radio station (WVAS) at Alabama State University.

(b) Capital Outlay Program.... 350,000

Of the above appropriation, \$150,000 is conditioned upon the award of a federal grant for capital outlay and equipment upgrade purposes.

SOURCE OF FUNDS:

(1) ASETF	5,797,205		
(2) Federal and Local Funds...		2,691,984	
Total Educational Television Commission	5,797,205	2,691,984	8,489,189

The above appropriation includes funding for WLRH-FM in Huntsville, also licensed to the Alabama Educational Television Commission. In addition to the above appropriation to the Educational Television Commission, there is also hereby appropriated \$267,000 for capital outlay for WUAL-FM and \$175,000 for operating expenses of the Public Radio Station WUAL-FM for a State House News Bureau, both to be conditioned on the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

46. TENURE COMMISSION, STATE:

(a) Regulation Program 9,722

SOURCE OF FUNDS:

(1) ASETF	9,722	
Total State Tenure Commission..	9,722	9,722

47. UNEMPLOYMENT COMPENSATION-LOCAL BOARDS:

(a) State Board of Education, Local Boards Program, Estimated	2,646,798
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SOURCE OF FUNDS:

(1) ASETF	2,646,798	
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Total Unemployment Com- pensation-Local Boards	2,646,798	2,646,798
		<hr/>

48. VETERANS' AFFAIRS, DEPARTMENT OF:

(a) Administration of Vet- erans' Affairs Program.....	4,152,793
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SOURCE OF FUNDS:

(1) ASETF-Transfer	4,152,793	
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Total Department of Veterans' Affairs	4,152,793	4,152,793
		<hr/>

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every state institution of higher learning, college, university, community college, junior college or technical college in which benefits are given to veterans, their wives, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.

49. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Pro- gram.....	7,017,407
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The above appropriation for
Financial Assistance Program

includes \$5,874,363 of ASETF monies. The above appropriation shall be expended by the Youth Services Department School District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

SOURCE OF FUNDS:

(1) ASETF	5,874,363		
(2) Federal and Local Funds...		1,143,044	
Total Department of Youth Services.....	5,874,363	1,143,044	7,017,407

SECTION 4.

COLLEGES, UNIVERSITIES AND SCHOOLS:

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa.....	99,705,662	69,497,728	169,203,390
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The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama

Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center.

(b) Operations and Maintenance and Program Support for the University of Alabama at Birmingham..... 160,750,921 647,487,471 808,238,392

The above amounts distributed to the President of the University of Alabama at Birmingham for operations and maintenance funding shall include support for such entities as University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Educational Finance Initiative; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health

Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Minority Faculty Development Program; Science, Engineering and Education Program; Molecular Genetic and Biotechnology Program; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's Disease-Medical Research; Minority Training/Economic Development Program. Of the above appropriation, \$300,000 shall be expended for the National Biomedical Tracer Center and \$300,000 shall be expended for the Athletic Trainers Program.

(c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville

33,401,450 26,013,111 59,414,561

The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance funding shall include support for the following entities: School of Primary Medical Care; Kenneth E. Johnson Research Center; Space Initiative; UAH Medical Clinics; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Rural Primary Care Clerkship; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics.

(d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham	4,433,287	4,433,287
(e) Alabama SchoolFest Program, University of Alabama..	863,639	863,639
(f) Bevill Center for Advanced Manufacturing Technology....	350,000	350,000
(g) Bevill Advanced Electronics Center.....	350,000	350,000
(h) Bevill Center for Advanced Telecommunication Technology.....	350,000	350,000
(i) Bevill Center for Advanced Environmental Technology ...	350,000	350,000
(j) Bevill Center for Advanced Biotechnology	350,000	350,000
(k) Auxiliary Enterprises.....	74,077,959	74,077,959
(l) Restricted Funds	201,581,839	201,581,839

SOURCE OF FUNDS:

(1) ASETF	300,904,959		
(2) Other Funds		1,018,658,108	
Total Board of Trustees of University of Alabama	<u>300,904,959</u>	<u>1,018,658,108</u>	<u>1,319,563,067</u>

II. BOARD OF TRUSTEES
OF ALABAMA A&M UNI-
VERSITY

(a) Operations and Maintenance and Program Support .	22,330,776	11,366,534	33,697,310
(b) Title VI Program Enhancement	616,981		616,981

Consultants/Faculty....199,475

Instructional Support...417,506

Title VI Program Enhancement funds to be used by Alabama A&M University in the development of "new high demand programs" in the Huntsville area as noted in Part V, Section 2D of the Remedial Decree. These funds will be used for studies to assist in prioritizing development of such new programs and for development of such programs upon program approval by ACHE. The instructional support monies may not be expended prior to the high demand programs being approved by the Commission on Higher Education.

(c) Desegregation Planning.....	200,000		200,000
(d) For Recruiting and Minority Scholarships.....	300,000		300,000
(e) Black Archives Museum	250,000		250,000
(f) Cooperative Extension, Research and Service.....	1,000,000	2,805,069	3,805,069

(g) Auxiliary Enterprises	4,925,532	4,925,532
(h) Restricted Funds	15,650,608	15,650,608

SOURCE OF FUNDS:

(1) ASETF	24,697,757		
(2) Other Funds	34,747,743		
Total Board of Trustees of Alabama A&M University	24,697,757	34,747,743	59,445,500

III. BOARD OF TRUSTEES
OF ALABAMA STATE UNI-
VERSITY

(a) Operations and Maintenance and Program Support...	23,089,754	12,166,709	35,256,463
(b) Title VI Program Enhancement	1,792,783		1,792,783

Consultants/Faculty.....500,000

Instructional

Support1,292,783

Title VI Program Enhancement funds to be used by Alabama State University in the development of "new high demand programs" in the Montgomery area as noted in Part V, Section 2D of the Remedial Decree. These funds will be used for studies to assist in prioritizing development of such new programs and for development of such programs upon program approval by ACHE. The instructional support monies may not be expended prior to the high demand programs being approved by the Commission on Higher Education.

(c) Desegregation Planning.....	200,000		200,000
(d) For Recruiting and Minority Scholarships	300,000		300,000

(e) Auxiliary Enterprises	9,069,319	9,069,319
(f) Restricted Funds	9,096,446	9,096,446

SOURCE OF FUNDS:

(1) ASETF	25,382,537	
(2) Other Funds	30,332,474	

Total Board of Trustees of Alabama State University	25,382,537	30,332,474	55,715,011
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In addition to the above appropriation to Alabama State University, there is hereby appropriated \$2,000,000 from the ASETF to Alabama State University-Millbrook Campus for capital outlay and \$1,000,000 from the ASETF to Alabama State University-Millbrook Campus for operations and maintenance to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

**IV. BOARD OF TRUSTEES
OF ALABAMA STATE UNIVERSITY**

(a) Alabama State University- Miles College Consortium	400,000	400,000
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SOURCE OF FUNDS:

(1) ASETF	400,000	
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Total Alabama State University-Miles College Consortium	400,000	400,000
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V. STATE BOARD OF EDUCATION – ATHENS STATE COLLEGE

(a) Operations and Maintenance and Program Support ..	6,322,485	5,802,816	12,125,301
(b) Auxiliary Enterprises		563,412	563,412

(c) Restricted Funds	1,557,147	1,557,147
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SOURCE OF FUNDS:

(1) ASETF	6,322,485
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(2) Other Funds	7,923,375
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Total State Board of Education-Athens State College	6,322,485	7,923,375	14,245,860
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In addition to the above appropriation from the ASETF, there is hereby appropriated the amount of \$1,279,466 to be conditioned upon the availability of funds in the ASETF and upon approval of the Governor. This is to be the first priority conditional and shall be released in full before any other conditional from the ASETF is released.

VI. BOARD OF TRUSTEES OF AUBURN UNIVERSITY

(a) Operations and Maintenance and Program Support ...	127,592,732	72,493,644	200,086,376
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(b) Agricultural Experiment Station	20,701,042	15,643,903	36,344,945
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(c) Cooperative Extension Service	23,752,845	12,926,966	36,679,811
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(d) Fisheries and Economic Development Program	500,000		500,000
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To be used to fund a network of universities coordinating the management and monitoring of water quality and recreational fisheries and for economic development.

(e) Auxiliary Enterprises	47,471,051	47,471,051
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(f) Restricted Funds	64,435,590	64,435,590
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SOURCE OF FUNDS:

(1) ASETF	172,546,619
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(2) Other Funds.....	212,971,154		
Total Board of Trustees of Auburn University.....	172,546,619	212,971,154	385,517,773

In addition to the above appropriation, there is hereby appropriated \$500,000 to Auburn University at Montgomery to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

VII. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY

(a) Operations and Maintenance and Program Support...	24,188,982	16,096,729	40,285,711
(b) Auxiliary Enterprises		3,418,198	3,418,198
(c) Restricted Funds		5,950,000	5,950,000

SOURCE OF FUNDS:

(1) ASETF	24,188,982		
(2) Other Funds		25,464,927	
Total Board of Trustees of Jacksonville State University	24,188,982	25,464,927	49,653,909

VIII. BOARD OF TRUSTEES OF LIVINGSTON UNIVERSITY

(a) Operations and Maintenance and Program Support ..	7,908,158	3,756,878	11,665,036
(b) Auxiliary Enterprises		3,353,954	3,353,954
(c) Restricted Funds		360,482	360,482

SOURCE OF FUNDS:

(1) ASETF	7,908,158		
(2) Other Funds		7,471,314	
Total Board of Trustees of Livingston University	7,908,158	7,471,314	15,379,472

In addition to the above appropriation to Livingston University, there is hereby appropriated \$500,000 from the ASETF to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

IX. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO

(a) Operations and Maintenance and Program Support...	12,556,328	7,792,702	20,349,030
(b) Auxiliary Enterprises		4,420,582	4,420,582
(c) Restricted Funds		2,090,726	2,090,726

SOURCE OF FUNDS:

(1) ASETF	12,556,328		
(2) Other Funds		14,304,010	
Total Board of Trustees of University of Montevallo	12,556,328	14,304,010	26,860,338

In addition to the above appropriation to the Board of Trustees of University of Montevallo, there is hereby appropriated \$500,000 from the ASETF to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

X. BOARD OF TRUSTEES OF UNIVERSITY OF NORTH ALABAMA

(a) Operations and Maintenance and Program Support...	17,606,624	11,676,726	29,283,350
(b) Auxiliary Enterprises		3,226,289	3,226,289
(c) Restricted Funds		828,539	828,539

SOURCE OF FUNDS:

(1) ASETF	17,606,624		
(2) Other Funds		15,731,554	
Total Board of Trustees of University of North Alabama	17,606,624	15,731,554	33,338,178

In addition to the above appropriation to the University of North Alabama, there is hereby appropriated \$300,000 from the ASETF to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

XI. BOARD OF TRUSTEES OF UNIVERSITY OF SOUTH ALABAMA

(a) Operations and Maintenance and Program Support ..	60,295,724	214,117,996	274,413,720
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Of the above appropriation, \$100,000 shall be expended for the Alabama Banking School, Professor of Finance.

(b) Auxiliary Enterprises		11,456,321	11,456,321
(c) Restricted Funds		20,275,000	20,275,000

SOURCE OF FUNDS:

(1) ASETF	60,295,724		
(2) Other Funds		245,849,317	
Total Board of Trustees of University of South Alabama	60,295,724	245,849,317	306,145,041

XII. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY

(a) Operations and Maintenance and Program Support for Troy State University	18,216,833	32,087,441	50,304,274
(b) Operations and Maintenance and Program Support			

for Troy State University at Dothan	4,010,360	4,803,211	8,813,571
(c) Operations and Maintenance and Program Support for Troy State University at Montgomery	4,271,014	4,482,271	8,753,285
(d) Auxiliary Enterprises		9,716,724	9,716,724
(e) Restricted Funds		4,795,976	4,795,976

SOURCE OF FUNDS:

(1) ASETF	26,498,207		
(2) Other Funds		55,885,623	
Total Board of Trustees of Troy State University	26,498,207	55,885,623	82,383,830

In addition to the above appropriation to Troy State University System, there is hereby appropriated \$1,400,000 to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

XIII. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND

(a) Adult Programs	4,687,348	4,543,836	9,231,184
(b) Children and Youth Programs	13,839,123	4,299,449	18,138,572
(c) Industries for the Blind	2,473,529	12,985,870	15,459,399

SOURCE OF FUNDS:

(1) ASETF	21,000,000		
(2) Other Funds		21,829,155	
Total Board of Trustees of Alabama Institute for Deaf and Blind	21,000,000	21,829,155	42,829,155

In addition to the above appropriation, there is hereby conditionally appropriated \$1,044,363 to the Alabama

Institute for Deaf and Blind conditioned upon the availability of funds and the approval of the Governor.

SECTION 5. There is hereby appropriated \$1,000,000 from the ASETF to the Shelby County Board of Education for tornado damage to be conditioned upon the availability of funds in the ASETF, the recommendation of the Director of Finance and the approval of the Governor.

SECTION 6. It is the intent of the Legislature that all salary increases granted to lunchroom workers by the Legislature beginning October 1, 1993 and October 1, 1994 shall be fully funded by local school boards from state funds provided in Section 3.A.10. and not from funds generated by lunchroom sales. A school board may obtain a waiver from the provisions of this section for a particular school or schools by applying for such a waiver in writing to the State Superintendent of Education. The State Superintendent may recommend a waiver in writing if the facts presented by the local school board warrant such a waiver and the state school board approves the waiver.

SECTION 7. No other funds provided herein for the public schools, including funds in Section 3.A.10., shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 8. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency institution, office of officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public

Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 9. The State Superintendent of Education shall make requisitions on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this act shall be paid after proper requisitions are made on the State Comptroller in the manner now provided by law.

SECTION 10. (a) Funds appropriated from the ASETF or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education and postsecondary institutions of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency funded from the ASETF or earmarked state funds in this act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 11. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 12. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1995. All agencies enumerated in this act that receive services from other governmental agencies enumerated in the general appropriations act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 13. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ASETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 14. All unexpended balances remaining from any grant to any entity from the now defunct Center for Quality and Productivity or Technology Plus when such grant was provided from appropriations from the ASETF shall revert to the ASETF on the effective date of this act.

SECTION 15. If any section, paragraph, sentence, clause, provision or portion of this act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 16. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this act be and the same are hereby expressly repealed.

SECTION 17. This Act shall become effective on October 1, 1994.

Approved April 12, 1994

Time: 5:55 P.M.

Act No. 94-471

S.J.R. 118 – Senators Amari and Waggoner

SENATE JOINT RESOLUTION

DESIGNATING THE MONTH OF APRIL 1994 AS “CONFEDERATE HISTORY AND HERITAGE MONTH.”

WHEREAS, April is the month in which the Confederate States of America began and ended a four-year struggle for states’ rights, individual freedom, and local governmental control; and

WHEREAS, Confederate Memorial Day on April 26 is a time in which Alabamians honor those who served the Confederate States of America; and

WHEREAS, Alabama has long recognized her Confederate history and the leaders who made sacrifices on behalf of the Confederate cause; and

WHEREAS, it is important for all Alabamians to reflect upon our state’s past and to respect the devotion of her Confederate leaders, soldiers, and citizens to the cause of Southern liberty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the month of April 1994 as “Confederate History and Heritage Month” in Alabama and encourage our schools and citizens to join in efforts to become more knowledgeable of the role of the Confederate States of America in the history of our country.

Approved April 12, 1994

Time: 6:30 P.M.

Act No. 94-472

H. 316 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Sentencing Institute for the fiscal year ending September 30, 1995, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1995, there is hereby appropriated to the Sentencing Institute from the State General Fund the sum of \$300,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1994-95, an operations plan for fiscal year

1994-95 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1994-95 funds following receipts these reports.

Section 3. This act shall become effective October 1, 1994.

Approved April 12, 1994

Time: 6:31 P.M.

Act No. 94-473

H. 647 – Rep. Harper

AN ACT

To provide further for the effective date of Act No. 91-546, H. 596, 1991 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other law to the contrary, the effective date of Act No. 91-546, H. 596, 1991 Regular Session shall be July 1, 1986.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 6:32 P.M.

Act No. 94-474

H. 283 – Rep. Harper

AN ACT

To provide a cost-of-living increase for certain public education employees with the beginning of the 1994-1995 fiscal year and to continue thereafter; to provide that certain salary schedules at two-year colleges shall be upgraded to reflect a cost-of-living pay adjustment; and to establish miscellaneous pay provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Budget Officer shall allocate to the State Board of Education, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Youth Services Department District, the Alabama School of Fine Arts, and the Alabama School of Mathematics and Science, for disbursement to the employees

thereof funds based on the following criteria. It is not the intent of the Legislature to make an appropriation in this act.

(a) Kindergarten through Grade 12 (K-12). An eight and one-half percent salary increase shall be given to each teacher employed in all public school programs for the fiscal year 1994-95 over and above the salary received during the 1993-94 fiscal year. An eight and one-half percent salary increase shall be given to each public education support worker employed for the fiscal year 1994-95 over and above the total salary received during the 1993-94 fiscal year, excepting employees covered under the state's merit system at the Department of Youth Services District.

(b) Alabama Institute for Deaf and Blind. An eight and one-half percent salary increase shall be given to each person employed by the Alabama Institute for Deaf and Blind for the fiscal year 1994-95 over and above the salary received during the 1993-94 fiscal year.

(c) Postsecondary. All salary schedules of the two-year postsecondary institutions shall be revised by the State Board of Education to reflect a salary increase of eight and one-half percent. The eight and one-half percent salary increase shall be given to each person employed for the fiscal year in addition to any step increase to which the employee is otherwise entitled. The Postsecondary Education Department shall take proper steps to ensure that employees on all Salary Schedules are given full credit for prior work experience in the public schools and colleges in Alabama, and shall take care to ensure proper placements on the Salary Schedules. Those employees entitled to credit for prior work experience in the public schools and colleges of Alabama as previously required by Acts 85-796, 88-691, 90-325, and 93-646 who have not been granted the credit on the Salary Schedules shall be provided backpay if the credit has not been provided.

Section 2. The following provisions are hereby established.

(a) All of the salary increases which are established by the Legislature or authorized by the State Board of Education, shall be paid in full to each person employed before the end of the applicable fiscal year as defined in Section 16-1-1, Code of Alabama 1975, as amended.

(b) Salary increases mandated by the Legislature or authorized by the State Board of Education for county and city boards of education shall be understood to apply to employees with contracts of up to 180 days. Additional pro rata salary increments shall be granted to those employees whose contracts extend beyond 180 days.

(c) The salary increase contained throughout any pay raise act as passed by the Legislature or authorized by the State Board of Education shall be exclusive of all local increments due.

(d) No employee shall be dismissed or have his or her work hours or salary reduced due to the provisions of any pay raise act mandated by the Legislature or authorized by the State Board of Education.

(e) Each city and county board of education shall establish and maintain a written salary schedule for each class and type of employee.

(f) Any person employed by any city or county board of education, the Alabama Institute for Deaf and Blind, the Youth Services Department District, the Alabama School of Fine Arts, or the Alabama School of Mathematics and Science who holds an earned doctorate degree from an accredited institution of higher learning shall be entitled to a pay provision of one thousand dollars (\$1,000) per fiscal year for the earned doctorate degree. This provision shall remain in effect from year to year for those employees who from time to time receive earned doctorate degrees from accredited institutions of higher learning.

(g) All education support personnel salary schedules in the city and county school systems, the Youth Services Department District, the Alabama Institute for Deaf and Blind, the Alabama School of Fine Arts, and the Alabama School of Mathematics and Science, shall be revised to reflect at least an eight and one-half percent raise for all steps, but in no case shall this revision be less than one thousand dollars (\$1,000). At least one thousand dollars (\$1,000) shall be given to each full-time person employed and to all adult bus drivers.

(h) Funds contained in the annual education appropriations act for the public schools for cafeteria personnel salaries shall be used only for that purpose. Cafeteria operating funds shall not be used for salary increases thereby supplanting those funds provided by the Legislature's appropriations for cafeteria employee salaries.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 6:33 P.M.

Act No. 94-475

H. 194 – Rep. Harper

AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1995.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1995, the sum of two hundred sixty-one thousand four hundred and fifty-two dollars (\$261,452) out of the funds in the Alabama Special Educational Trust Fund.

Section 2. The above appropriation is made for educational purposes which shall include but shall not be limited to maintaining liaison with the State Department of Education, boards of education and private and parochial schools; advising on such programs of physical fitness; promoting physical fitness education for the mentally retarded and physically handicapped and providing for physical educational facilities.

Section 3. The Governor's Commission on Physical Fitness is hereby authorized to make a transfer to the State Personnel Department in the amount authorized in the General Appropriation Bill for fiscal year 1994-95.

Section 4. This act shall become effective on October 1, 1994.

Approved April 12, 1994

Time: 6:35 P.M.

Act No. 94-476

H. 609 – Rep. Harper

AN ACT

To make a supplemental appropriation from the ABC Profits, the Whiskey Tax and the Alabama Special Educational Trust Fund to the Department of Human Resources for the fiscal year ending September 30, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the following sources of funds to the Department of Human Resources for the Human Services Program, for the fiscal year ending September 30, 1994, the following amounts:

SOURCE OF FUNDS:

(1) ABC Profits	\$ 83,487
(2) Whiskey Tax	3,271,251
(3) Alabama Special Educational Trust Fund	500,000
Supplemental Appropriation Total	\$3,854,738

The above appropriation from the Alabama Special Educational Trust Fund of \$500,000 shall be used as a state match in the Child Day Care program.

Section 2. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Department of Human Resources.

Section 3. It is the express intent of the Legislature that Section 10 of Act 93-771, H. 223 of the 1993 Regular Session, which places restrictions on the expenditure of the State General Fund and earmarked state funds for the purchase of automobiles and certain optional equipment for automobiles, shall also apply to the appropriations provided by this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1994

Time: 6:36 P.M.

Act No. 94-477

H. 612 – Rep. Cullins

AN ACT

Relating to Tallapoosa County; to provide for the creation, maintenance, and regulation of fire and emergency medical services districts; to prescribe conditions and regulations relative to the creation of districts; to prescribe the organization, rights, and powers of the districts; to prescribe limitations on their rights and powers; to provide for the composition and tax exemption of the districts; and to provide for referendums.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative in Tallapoosa County, Alabama.

Section 2. For the purpose of this act the following words shall have the following meanings:

(1) **DISTRICT.** A district created for establishing and maintaining a system for fighting and preventing fires and a system for the operation of emergency medical services.

(2) **PROPOSED AREA.** As used in Section 14, subsection (c) of this act, an area proposed to be brought within a district by enlargement of the district.

Section 3. Any area situated entirely within the county may be established as a district for fighting fires and providing emergency medical services by the E911 Board of Commissioners as provided herein. No land lying within the boundaries of an existing fire fighting and emergency medical services district or a municipality with a municipal fire department at the time of the election shall be included in a newly established district.

Section 4. (a) Upon a petition being filed in the office of the judge of probate of the county, the judge shall order an election to be held in the proposed district on the question, or questions, on which the petition requests an election.

(b) The petition shall be signed by 100 qualified property owners within the boundaries of the proposed district, provided there is a minimum of 300 qualified property owners within the boundaries. An election in an area with less than 300 qualified property owners within the boundaries may be obtained by a petition signed by 50 qualified property owners within the boundaries of the proposed district.

(c) The petition shall contain a description of the area proposed to be established as a district and shall request the judge of probate to call an election on the following question: Shall there be created for the area a district for fighting fires?

(1) The petition shall state the name of the proposed district.

(2) The petition for election on the establishment of a district may be accompanied by a petition for a referendum on the question of levying a proposed service charge, signed by the required number of qualified property owners residing within the proposed district. A petition for an election on the establishment of a district shall be deemed to be accompanied by a petition for an election on the question of levying a proposed service charge, if the request for the election on the proposed district and the request for an election on the proposed service charge are combined in a single petition.

Section 5. When a petition for the holding of an election is filed with the judge of probate, the judge of probate shall order the election sought by the petition to be held on a day not less than 30 days nor more than 40 calendar days from the date on which the judge of probate enters the order. An election pertaining to the establishment of the same district or portion thereof may not be held more often than once every two years.

Section 6. The provisions of the election laws governing the registration of voters, equipment at polling places, furnishing of supplies, appointment of election officers, voting, and canvassing returns at a general election shall apply to any election held pursuant to this act.

Section 7. The judge of probate shall give notice of an election held under this act by publishing for three weeks, at least once a week, on the same day of each week, in a newspaper of general circulation in the territory where the election is to be held, a notice that on the day fixed for the election the question to be then voted on will be submitted to the electors of the said territory.

Section 8. (a) Where an election is held on the question of the establishment of a district, the county commission shall pay for the necessary expense of advertising and conducting the election out of the general funds of the county. If the district is established, the district shall reimburse the county for the expenses incurred by the county in respect to the election.

(b) After a district has been established, the district shall pay the expense of an election held in the district or held in any area which is proposed to be added to the district.

Section 9. No district shall be created unless it is approved by the majority of votes cast at the election at which the proposed creation is submitted. At any election on the establishment of a district, the question of the establishment of the district shall be submitted separately. Upon the officers canvassing the returns of the election certifying that the creation of the district was approved by the majority of the votes cast at the election, the proposed district shall be created and shall constitute a public corporation.

Section 10. The affairs and business of the district shall be managed by the board of directors of the existing fire department that has response coverage at the time of the election. All revenues collected from each newly established district shall be collected by the board of directors of the district which has response coverage for the district unless otherwise provided by law. The revenues collected from each district less any costs of collection shall be used for fire protection and emergency medical service in the district from which the revenues were collected. The service charge shall be a personal obligation of the owner of the property served by the district and to secure collection of the service charge, there shall be a lien against the property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which foreclosure of a municipal assessment for public improvement is authorized. Each fire district that collects any service charge pursuant to this act shall be bonded for an amount sufficient to cover three times the total revenue to be collected pursuant to the service charge on an annual basis.

Section 11. (a) The district shall constitute a public corporation, which shall have the power to do any and all acts or things necessary and convenient for carrying out the purposes for which it

is created including, but not limited to: To sue and be sued; to have a seal and alter the same at pleasure; to acquire, hold and dispose of property, real and personal, tangible and intangible, or interests therein and to pay therefor in cash or on credit, and to secure and procure payment of all or a part of the purchase price thereof on the terms and conditions as the board shall determine; to acquire, own, operate, maintain and improve a system or systems; to pledge all or a part of its revenues, or mortgages, or otherwise encumber, all or a part of its property for the purpose of securing the payment of the principal of and interest on any of its obligations; to sell, lease, mortgage, or otherwise encumber or dispose of all or any of its property, as hereinafter provided; to contract debts, borrow money and to issue or assume the payment of obligations; to levy and collect service charges, as herein provided in this act, subject to limitations prescribed in the act; to negotiate and enter into contracts with residents of areas outside the district or with other districts to furnish fire or emergency medical protection and to charge fees for the service; to employ agents, servants, and attorneys; to perform all of the foregoing acts and to do any and all of the foregoing things under, through or by means of its own officers, agents and employees, or by contracts with any person, federal agency or municipality.

(b) The property and income of the district, all bonds issued by the district, the income from the bonds, conveyances by or to the district, and leases, mortgages and deeds of trust by or to the district shall be exempt from all taxation in the State of Alabama, including specifically the tax imposed by Section 40-21-82 of the Code of Alabama 1975. The district shall be exempt from all taxes levied by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities that a district may engage in. The district shall not be obligated to pay or allow any fees, taxes, or costs to the judge of probate with respect to its incorporation, the amendment of its certificate of incorporation, or the recording of a document. The provisions of Section 11 shall be retroactive and shall apply from the date the district was first established.

Section 12. (a) The expense of establishing and maintaining a district shall be paid for by the proceeds of a service charge which shall be levied and collected in an amount sufficient to pay the expense. The service charge shall be levied upon and collected from persons and properties served by the system. The charge shall be a personal obligation of the owner of the property served by the system, and to secure the collection of the charge there shall be a lien against the property in favor of the district, which lien shall be enforceable by sale thereof in the manner in which the

foreclosure of a municipal assessment for public improvements is authorized.

(b) A property owner who owns a structure, used solely as a residence, which at the time of its original construction was situated on a county line, may avoid the payment of a service charge which is based upon the presence of the structure, if (1) between January 1, 1993, and the effective date of this act, the structure was not assessed for taxes in Tallapoosa County; (2) between January 1, 1993, and the effective date of this act any homestead exemption was not claimed for the structure in reduction of taxes assessed in Tallapoosa County, (3) the property owner furnishes proof to the district, of an agreement between the property owner and another district or municipality located in the county within whose boundaries the remaining portion the structure is located, to provide fire fighting and emergency medical services to the property of the property owner so long as the structure is existent; and (4) the property owner furnishes to the district, a. an irrevocable waiver of liability absolving the district from any and all liability for failure to respond to call for fire fighting or emergency medical services to any portion of the property of the property owner contiguous to the aforesaid structure, and b. an agreement that any service charges imposed with respect to future construction on the property shall constitute a lien upon the entire property located within the district, including the property upon which the residence is situated.

(c) The provisions of subsection (b) shall be applied retroactively in respect of unpaid service charges if (1) in the opinion of the board of directors the waiving of previously imposed service charges will have no significant impact on the financial viability of the district; and (2) the district has long term debt outstanding, the aggregate amount of which is a retroactive waiver for all properties covered by subsection (b) is no more than one-tenth of one percent of the amount of such long term debt then outstanding.

Section 13. No service charge shall be levied unless the same has been first approved by the majority of the votes cast at an election held by the qualified electors residing within the district, or within the proposed district. Any increase in a service charge shall be submitted by petition to the judge of probate and approved by a majority of the qualified electors in the same manner as provided for the formation of a district. No proposal for an increase shall be submitted for a vote until two years after the submission of a prior proposed increase.

An election on the question of levying a service charge in a proposed district may be held at the same time that the election is held on the creation of the district, provided the petition for the election on the

question of the service charge accompanies the petition for the election on the establishment of the proposed district as provided in Section 4.

The petition shall state specifically the charge proposed to be levied. The petition may request that an election be held on more than one proposed charge. In the event more than one proposed service charge is proposed to be submitted regarding any proposed increase, the first question on the ballot shall be whether or not voters voting in the referendum favor any increase or desire that the service charge remain the same. The service charge shall not be increased unless a majority of the voters voting in the referendum favor an increase. In addition, any proposed service charge shall be approved by a majority of the voters voting in a referendum on any proposed alternative service charge. Upon the petition being filed with the judge of probate, the judge of probate shall order an election to be held with the time provided for by Section 5. Notice of election shall be given as provided by Section 7.

Section 14. (a) A district may be enlarged, provided that no area lying within a municipality at the time of the enlargement shall be brought within the district.

(b) No area shall be brought within a district by enlargement unless the majority of the votes cast at the election provided for by subsection (c), approve the inclusion of the area within the district at the time of election.

(c) When the board of directors of a district determines that the inclusion of a proposed area within the district would be to the advantage of the district and also to the advantage of the majority of the property owners of the proposed area, the board of directors may file in the office of the judge of probate a petition, signed by two-thirds of the property owners, that there be an election in the proposed area at which there shall be submitted to the qualified electors residing within the proposed area the question of whether the proposed areas shall be included within the district and also the question of whether every service charge in effect within the district at the time of the election is approved. Upon the petition being filed, the judge of probate shall order an election to be held within the proposed area, within the time provided for in Section 5, at which election the qualified electors residing within the proposed area shall vote on the two foregoing questions. Unless the majority of votes cast at the election vote in the affirmative on each of the foregoing questions, the proposed area shall not be included within the district. Upon the canvassing of the returns by the officers of the election certifying that a majority of votes cast was in favor of the inclusion of the proposed area in the district, and that the majority of the votes cast approved every service charge in effect within the district at the time of the election, the proposed area shall become a part of the district.

Section 15. Any district may be abolished in the manner provided for in this section; provided, however, no district shall be abolished or diminished when it has any indebtedness.

Upon the petition for abolition of a district, being filed with the judge of probate, the judge of probate shall order an election on abolition of the district to be held in the district within the time provided for by Section 4. The qualified electors residing within the district shall be entitled to vote in the election. The petition shall be signed by at least 100 qualified property owners of the district. It shall contain a recital that the district is not indebted, and it shall request the judge of probate to order an election on whether the district shall be abolished. Upon the officers' canvassing the returns of the votes that abolition of the district was approved by a majority of the votes cast at the election, the district shall be abolished.

Section 16. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 17. All laws or parts of laws which conflict with this act are repealed.

Section 18. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama authorizing the provisions of the act.

This Act became a law under Section 125 of the Constitution on April 13, 1994 without approval by the Governor.

Act No. 94-478

S. 560 – Senator Dial

AN ACT

Relating to Cleburne County; providing for the bonding of a producer; providing for permit fees; and providing for the disposition of the proceeds from the permit fees.

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this act, unless the context indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) **PERSON.** Any individual, firm, partnership, corporation, association, or combination.

(2) **PRODUCER.** Any person engaging in the business of severing clay, sand, and gravel from the soil within Cleburne County.

(3) **SEVERING.** Cutting, mining, stripping, or otherwise taking or removing from the soil within Cleburne County.

(4) **TRANSPORTER.** Any person transporting clay, sand, and gravel from the place where it is severed in Cleburne County to another place within or without Cleburne County.

Section 2. (a) Each producer and each transporter shall apply for a permit. The Cleburne County Judge of Probate may issue the permit upon a form which shall be provided by the judge of probate. The permit shall entitle a producer or transporter to drive or operate a truck or trucks transporting clay, sand, and gravel which has been severed from the soils in Cleburne County. At the time of applying for the permit, the applicant shall pay to the judge of probate an annual fee determined by the Cleburne County Commission in an amount not to exceed one hundred dollars (\$100) annually on a form provided by the judge of probate. The permit may be renewed once a year as specified by the Cleburne County Commission.

(b) Each producer and each transporter shall post a fifty thousand dollar (\$50,000) damage bond or certificate of insurance with sufficient specified limits of liability for property damage currently in force prior to being issued a permit.

Section 3. The Cleburne County Treasurer shall deposit the net proceeds of the permit fees collected during the preceding months to the account of the Cleburne County Seven-Cent Gasoline Fund.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1994 without approval by the Governor.

Act No. 94-479

H. 44 – Rep. Ford

AN ACT

To make supplemental appropriations from the Special Educational Trust Fund in the State Treasury to Gadsden State Community College and Alabama State University for the fiscal year ending September 30, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the Special Educational Trust Fund in the State Treasury to the Gadsden State Community College the sum of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1994. The appropriation shall be in addition to any and all other funds heretofore or hereafter appropriated to Gadsden State Community College and shall be used to designate, and maintain the library reference room in memory of the late Representative June Moore Bugg.

Section 2. There is appropriated from the Special Educational Trust Fund in the State Treasury to Alabama State University the sum of one hundred thousand dollars (\$100,000) for the fiscal year ending September 30, 1994. The appropriation shall be in addition to any and all other funds heretofore or hereafter appropriated to Alabama State University and shall be used to computerize the library in memory of the late Representative John L. Buskey.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 13, 1994

Time: 9:30 A.M.

Act No. 94-480

H. 8 – Rep. Campbell

AN ACT

To amend Section 35-4-411, Code of Alabama 1975, relating to the alienation of certain public improvements by political subdivisions of the state, to provide further for the ordinance or resolution describing the proposed conveyance.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 35-4-411, Code of Alabama 1975, is amended to read as follows:

“§35-4-411.

“When the county commission, or the council or like governing body of a city or town, or governing body of any other subdivision determines to alienate any public improvement described in section 35-4-410, it shall adopt a resolution or ordinance to that effect, describing the nature and extent of the proposed conveyance and the minimum consideration therefor, if any. The ordinance or resolution shall be published once a week for four consecutive weeks in some newspaper published in the county, city, or town, and, if no newspaper is published therein, it may be published in a newspaper having general circulation in the county, city, or town.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1994

Time: 9:28 A.M.

Act No. 94-481

H. 433 – Reps. Smith (C), Zoghby

AN ACT

To provide that any person who has attained the age of 16 years at the time of the act or conduct charged, which act or conduct if committed by an adult would constitute a Class A felony or certain other listed serious criminal offenses, shall be charged, arrested, and tried as an adult; and to provide that persons tried in criminal court pursuant to the provisions of this act shall not thereafter be eligible for the jurisdiction of juvenile court for subsequent offenses unless the prior trial in criminal court resulted in an acquittal of all charges.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other provision of law, any person who has attained the age of 16 years at the time of the conduct charged and who is charged with the commission of any act or conduct, which if committed by an adult would constitute any of the following, shall not be subject to the jurisdiction of juvenile court but shall be charged, arrested, and tried as an adult:

- (1) A capital offense.
- (2) A Class A felony.
- (3) A felony which has as an element thereof the use of a deadly weapon.
- (4) A felony which has as an element thereof the causing of death or serious physical injury.
- (5) A felony which has as an element thereof the use of a dangerous instrument against any person who is:
 - a. A law enforcement officer or official.
 - b. A correctional officer or official.
 - c. A parole or probation officer or official.
 - d. A juvenile court probation officer or official.
 - e. A district attorney or other prosecuting officer or official.
 - f. A judge or judicial official.
 - g. A court officer or official.

h. A person who is a grand juror, juror, or witness in any legal proceeding of whatever nature when the offense stems from, is caused by, or is related to the role of such person as a juror, grand juror, or witness.

i. A teacher, principal, or employee of the public education system of Alabama.

(6) Trafficking in drugs in violation of Section 13A-12-231, Code of Alabama 1975, or as the same may be amended.

Section 2. Notwithstanding any other provision of law, any person who has been tried in criminal court pursuant to the provisions of this act shall not thereafter be subject to the jurisdiction of juvenile court for any subsequent offense. Provided, however, the provisions of this section shall not apply where the trial in criminal court resulted in an acquittal of all charges.

Section 3. This act shall apply to all cases in which the alleged criminal conduct occurred after the effective date of this act. All conduct occurring before the effective date of this act shall be governed by pre-existing law.

Section 4. All laws or parts of laws which conflict with this act are repealed to the extent of the conflict.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains. This act shall be construed and, if necessary, reconstrued to make its provisions constitutional.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1994

Time: 9:35 A.M.

Act No. 94-482

S. 516 – Senators Ellis, Owens, Hale,
and Escott-Russell

AN ACT

To authorize creation of a voluntary public-private non-profit consortium or partnership agreement to enhance and expand leadership and citizenship education, called the "Alabama Compact for Leadership and Citizenship Education"; to

provide for its purposes, member parties, organization, structure, bylaws, powers, duties, finances, and dissolution; to provide for its exemption from state and local taxes; and provide for an appropriation.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The Legislature finds that the 1986 and 1992 Commissions on the Future of the South, under the auspices of the Southern Growth Policies Board, called for youth and community leadership development and support as critical to Southern economic development and progress. The Legislature further finds that citizenship and leadership programs are vital to the well-being of our American system of self-government, and to the civic well-being, economic development, and quality of life in Alabama, the South, and the Nation.

(b) It is the intent of the Legislature to work to achieve these Southern leadership goals by creating a voluntary compact of public, non-profit, and private sectors to enhance and expand leadership and citizenship education in Alabama.

Section 2. The following compact, to be known as the Alabama Compact for Leadership and Citizenship Education, is hereby expressly authorized, enacted, and adopted:

(1) The purpose of this compact is to promote realization of the leadership development goals of the 1986 and 1992 Commissions on the Future of the South by cooperative efforts to enhance and expand leadership and citizenship education in Alabama.

(2) It is the intent of this compact that membership, programs, operations, and services of the compact should be inclusive and reflect the racial, geographic, urban/rural, and economic diversity of the state.

(3) Member parties to the compact shall be any organization, agency, or institution of the public, non-profit, or private sector which voluntarily chooses to subscribe to the purposes of the compact.

Ex officio members shall include: the Governor of Alabama, the Presiding Officer of the Senate, the Speaker of the House of Representatives, the members of the Legislature of Alabama, the State Superintendent of Education, the Alabama member representatives to the Southern Growth Policies Board, and the individuals elected as compact officers and members of the Board of Directors.

(4) Membership in the compact is voluntary, and any member may withdraw from membership at any time. Members may choose to participate or not to participate in any programs of the compact, and membership shall in no way restrict, diminish, impinge upon, create obligations of, or limit the autonomy of the respective compact members.

Section 3. (a) The compact membership shall meet annually for the purpose of transacting the following business:

(1) Hear reports and make recommendations to the Board of Directors regarding the compact and its progress in meeting its purposes.

(2) Set annual membership dues, and create additional associate, non-voting membership categories.

(3) Elect officers and a board of directors.

(4) Adopt necessary bylaws consistent with this act.

(5) Adopt modifications to this compact, which shall become effective only by consent of the Legislature by joint resolution.

(b) The first annual compact membership meeting for the transaction of the above business shall be held on Constitution Day, September 17, 1994, and annually thereafter on a date fixed by the compact membership. Special meetings of the compact may be called by the board of directors with notice as provided in the bylaws. A quorum shall consist of a majority of the member parties of the compact.

Section 4. Each member party shall be entitled to one vote. The chief executive officer of the member party, by whatever title or in whatever manner defined by the institutional member, shall be the official voting delegate. If the delegate is unable to represent the member at any membership meeting, the delegate may designate in writing an alternate voting delegate. Each ex officio member shall have one vote.

Section 5. This voluntary educational compact shall be deemed and constitute a non-profit public corporation in Alabama, and none of the net proceeds of funds shall inure to the benefit of any individual.

Section 6. The Board of Directors shall be elected at the annual membership meeting, and shall take office immediately upon its adjournment. The Board of Directors shall consist of 21 citizens, elected by the compact membership as follows: three classes of seven members each, initially elected for terms of one, two, and three years respectively, and thereafter elected for terms of three years each. Vacancies shall be filled by written, mail ballot of the membership. At least five of the members elected shall be black. No member shall be eligible to serve more than two three-year terms consecutively.

Section 7. (a) Board members shall be chosen to represent each of the following segments or areas:

(1) Executive and legislative branches of state government, in the fields of education, finance, taxation, and ways and means, local government, or economic development.

(2) K-12 education, in some of the following fields: teaching, administration or supervision, curriculum, or governance.

(3) Higher education.

(4) Community leadership education.

(5) Youth leadership and citizenship education.

(6) Economic development.

(7) Local government.

(8) Community, civic, philanthropic, and other non-profit organizations.

(9) Historical, patriotic, veterans, and cultural organizations.

(10) The law, which may include the judicial branch.

(11) Business.

(12) Professional, labor, and trade.

(13) Any other areas of interest which are deemed to complement and augment the work of the compact.

(b) The board shall meet annually immediately following the annual compact membership meeting. It shall adopt bylaws providing for its quorum, organization, and other regular or special meetings.

Section 8. (a) The Governor of Alabama shall be the ex officio President of the Compact, and preside at the annual and special compact membership meetings.

(b) The compact shall annually elect board members as chair and vice-chair of the board, for terms of one year respectively. No person shall serve more than three years consecutively in the same office. The chair of the board shall preside at meetings of the board of directors, and shall also serve as president pro tempore of the compact, and shall preside at compact membership meetings in the absence of the Governor. The compact may provide for any other officers by its bylaws.

Section 9. (a) The executive director shall be the ex officio, non-voting secretary of the compact and of the board, and shall keep all records and minutes, and shall have authority and responsibility for the administrative functions and duties of the compact and of the board.

(b) The board of directors shall serve as a nominating committee to nominate individuals for the officers and members of the board of directors. Additional nominations may be made from the floor at the annual compact membership meeting.

Section 10. The membership and fiscal year shall begin on October 1 annually and end on the following September 30. Dues shall be set as provided in Section 14.

Section 11. Advisory committees shall be created to make recommendations regarding strategies to meet the purposes of the compact. Committees shall include compact members, potential users of services, school teachers, educators, K-12 and postsecondary/higher education representatives, community and youth leadership organizations, student organizations, the State Department of Education, state and local governments, economic and community development entities, business, historical and patriotic organizations, and others.

Section 12. (a) The board of directors shall consider recommendations of advisory committees and may hold hearings, review, revise, and adopt a plan of educational work which furthers the purposes of the compact and the leadership goals of the Commission on the Future of the South and which are designed to complement or augment, but not duplicate, existing programs and services offered in service areas by individual compact members or other non-profit entities.

(b) The plan shall focus on meeting three objectives:

(1) Increasing leadership and citizenship programs for youth.

(2) Extending community and other leadership programs to rural and under-served areas.

(3) Serve as a network and resource to enhance communications and idea and information exchange among community and youth leadership programs and other interested parties.

(c) Pursuant to the plan the compact shall provide programs itself and support for programs offered by others, all of which enhance leadership and citizenship education in Alabama.

(d) Under the plan the compact may: develop supplementary instructional materials and make them available to schools and non-profit educational entities; serve as a resource, reference, and referral center; provide a demonstration classroom, exhibition, and education facility/program; encourage and enter into voluntary cooperative agreements with and among agencies and institutions to encourage cooperation and collaboration in high quality leadership and citizenship programs and experiences; affiliate with

entities engaged in similar purposes in other states which are in the Southern Growth Policies Board region in a voluntary compact, subject to adoption by joint legislative resolution, and to domicile and administer the same; and provide technical, educational, or other support and assistance and make available facilities, where available and practicable, to and where requested by compact entities, for the support of community and youth leadership educational programs.

Section 13. The compact shall encourage, support, and provide high quality educational programs, learning, and service experiences related to the history and diverse cultures of the United States and the State of Alabama, and especially American citizenship, its origins and development, and the positive role models, attributes, and contributions of leaders in the progress of the nation, the American South, Alabama, and its communities; and the application of knowledge and skills important in leadership and citizenship in a free and self-governing society. Its program shall provide a resource of information to support existing leaders, and better equip a new generation of leaders with broad understanding and appreciation of our American system of government and ways in which to make positive differences in the quality of life in Alabama communities.

Section 14. In furtherance of the purposes of the compact, the Board of Directors may do the following:

(1) Accept donations of funds or land, bequests, grants, appropriations, loans, membership fees, or other forms of financial assistance for educational and other purposes in furtherance of this act, from any federal entity, from the state, its agencies and subdivisions, or any local public entity which are hereby authorized to grant any of the foregoing forms of assistance, or from any private person, or other agency, and to comply with rules and regulations concerning grants by the federal government or other grantors, which are not in contravention of the Constitution and laws of this state or the United States.

(2) Enjoy and exercise any powers and duties, not inconsistent with this act, which are authorized to non-profit organizations under Title 10 of the Code of Alabama 1975.

(3) Engage the services, by employment or otherwise, of a full-time or part-time executive director, who shall be the chief administrative officer, and fix the term and make provisions for compensation and any allowances and benefits as the board may provide. The executive director shall perform the duties of secretary as enumerated in Section (9) and shall execute all documents of the compact. The director shall employ or contract for any necessary personnel or

other assistance and terminate, when necessary, any personnel or other assistance and shall supervise, designate the duties and titles, and fix the terms for assistance, within the overall budget adopted by the board.

(4) Review and approve personnel policies recommended by the director. No employee shall be deemed an employee within the meaning of the Alabama Merit System or teacher tenure laws, but shall be entitled to public employee health insurance and state teacher retirement benefits on the same basis afforded public school employees. The board may provide for and authorize payment for other benefits. Employees of the compact shall be reimbursed for travel in the same manner provided by law for state employees, provided the travel is approved in advance by the executive director.

(5) Delegate to the executive director any and all powers and duties necessary to aid in the efficient administration of the policies of the board.

(6) File an annual report, including a financial report, with the Governor, Legislature of Alabama, and compact members.

Section 15. The members of the board shall not be compensated for their services, but shall be entitled to the same expense and per diem as authorized to state employees, for official board business as approved by the chair of the board.

Section 16. (a) The board shall establish its account(s) and deposit its funds therein with any bank qualified to serve as a state depository. All funds shall be governed by the applicable laws of Alabama, including the state bid law and the Ethics Act. Nothing herein shall be deemed to require uncompensated compact delegates, compact members, and board members to file annual statements of economic interests. The board shall adopt an annual budget, provide for its administration, and require bonding of officers and employees as it deems necessary and pay premiums therefor.

(b) There shall be an annual audit performed by a certified public accountant, appointed by the board, and a copy shall be furnished to the board, executive director, and to the Department of Examiners of Public Accounts. Nothing herein shall preclude the department from conducting an examination of the books or finances of the compact.

Section 17. In the event of dissolution of the compact, which may be accomplished only by legislative act, the residual assets shall be turned over to another public corporation or organization which is exempt from federal income tax as an organization described in Section 501(c)(3) of the Internal Revenue Code.

Section 18. (a) The compact shall be organized as a voluntary public-private partnership and shall be constituted as a not-for-profit public corporation. The members of the Joint Legislative Committee on Southern Leadership Goals created under Act No. 94-55, SJR 12, 1994 Regular Session, shall effectuate the filing of papers for the incorporation of the compact as provided in subsection (b). Upon the filing of the documents with the Secretary of State, and until the election of the officers and board of directors at the annual membership meeting on September 17, 1994, as provided in Section 2, subsection (b) of the compact, the members of the committee shall then be officially constituted as an interim board of directors and specifically shall extend notices and invitations to the initial membership meeting of the compact to as many entities it can identify which are eligible to be member parties to the compact. It shall affirmatively include public, non-profit, and private sector organizations representative of the racial, geographic, demographic, and urban/rural diversity of the state. It shall also expedite the organization of the compact and exercise any of the duties of the board of directors to the end that the compact will be operational following the conclusion of the first annual membership meeting.

(b) As provided in subsection (a), the above listed persons, together with the Governor, Presiding Officer of the Senate, and the Speaker of the House of Representatives, may present to the Secretary of State of Alabama an executed application for incorporation compatible with the purposes of this act. The Secretary of State shall immediately examine the application, and, if he or she finds that it substantially complies with the requirements of this act, he or she shall receive it, file it, and record it in the appropriate books of record, and shall make and issue to the applicants a certificate of incorporation as a not-for-profit public corporation, under the great seal of the state, and shall record the certificate with the application. No fees shall be required to be paid to the Secretary of State for any work in connection with the incorporation of the compact.

Section 19. (a) The compact shall be exempt from all taxes of the State of Alabama and its political subdivisions to the same extent as public schools and colleges. All receipts, from whatever source, are appropriated to the compact until expended and shall not lapse. The compact is authorized to solicit gifts and donations, and all gifts, grants, devises, and bequests shall be deductible from state income taxes in accordance with Section 40-18-15, Code of Alabama 1975, as amended.

(b) All of the acts provided for in the body of the compact agreement are hereby specifically authorized and provided for, it being the intent of this act to incorporate and enact the entirety of the provisions of the compact into the Code of Alabama. The provisions

of the compact and this act shall be liberally construed to effectuate the purposes of the act.

Section 20. There is hereby appropriated the sum of fifteen thousand dollars (\$15,000) from the Alabama Special Educational Trust Fund for the year ending September 30, 1994.

Section 21. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1994

Time: 9:45 A.M.

Act No. 94-483

H. 749 – Reps. Venable, Mikell

AN ACT

To propose a constitutional amendment relating to Elmore County authorizing the county governing body to levy a fee for fire protection services and emergency medical care and providing for the distribution of funds from the fees; and to repeal Act No. 92-660, H. 63, 1992 Second Special Session.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

(a) The Legislature may from time to time by local law authorize the county governing body of Elmore County to levy and collect fees, annually not to exceed \$25.00 on each residence and \$50.00 on each business located within the county, for fire protection services and emergency medical care, such local law may provide for the distribution of the fees to volunteer fire departments and to emergency medical technicians who are members of volunteer fire departments, or provide for the distribution of the fees to an association of volunteer fire departments to be distributed by the association for the same purposes.

(b) Act No. 92-660, H. 63, 1992 Second Special Session, a proposed, but not ratified local constitutional amendment, relating to the same subject matter, is repealed.

(c) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Elmore County voting on the proposition. The referendum shall be

held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 24, 1994

Passed the Senate April 14, 1994

Act No. 94-484

H. 673 – Rep. Harper

AN ACT

To provide a supplemental appropriation to the Office of the Attorney General in the amount of \$50,000 from the Attorney General's Litigation Support Fund and \$1,850,000 from the Attorney General's Special Revenue Fund for the fiscal year ending September 30, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore or hereafter made, there is hereby appropriated fifty thousand dollars (\$50,000) to the Office of the Attorney General from the Attorney General's Litigation Support Fund in the State Treasury for the fiscal year ending September 30, 1994, and one million eight hundred fifty thousand dollars (\$1,850,000) from the Attorney General's Special Revenue Fund in the State Treasury for the fiscal year ending September 30, 1994.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 14, 1994

Time: 4:00 P.M.